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BEFORE THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:           )  
  )  
REGULAR MONTHLY BUSINESS       )  
MEETING                               )  
\_\_\_\_\_)

—

DATE AND TIME:     TUESDAY, JULY 30, 1996  
                              9:30 A.M.

PLACE:                       COUNCIL CHAMBERS  
                              CITY OF UKIAH CIVIC CENTER 300  
                              SEMINARY AVENUE  
  UKIAH,  
CALIFORNIA

REPORTER:                       BETH C. DRAIN,  
RPR, CSR

CERTIFICATE NO.

7152

BRS FILE NO.:           34063

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APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN  
MR. ROBERT C. FRAZEE, VICE CHAIRMAN  
MR. WESLEY CHESBRO, MEMBER  
MS. JANET GOTCH, MEMBER  
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER  
MS. KATHRYN TOBIAS, LEGAL COUNSEL

MS. MARLENE KELLY, BOARD SECRETARY

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20. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF ARCATA, HUMBOLDT COUNTY

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PERCENT

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1 UKIAH, CALIFORNIA; TUESDAY, JULY 30, 1996

2 9:30 A.M.

3

4 CHAIRMAN PENNINGTON: BEFORE WE GET  
5 STARTED -- BEFORE WE GET STARTED, I'D JUST LIKE TO  
6 REMIND YOU THAT IF ANYBODY WISHES TO SPEAK, THE  
7 SPEAKER SLIPS ARE OUTSIDE BY THE MAIN ENTRANCE.  
8 SO IF YOU NEED TO SPEAK ON AN ITEM, YOU NEED TO  
9 FILL ONE OF THOSE OUT AND GET IT UP HERE TO MS.  
10 KELLY. WHAT I WANTED TO TELL YOU IS THEY'RE  
11 OUTSIDE IN THE MAIN ENTRANCE OUT THERE.

12 GOOD MORNING AND WELCOME TO THE JULY  
13 MEETING OF THE CALIFORNIA INTEGRATED WASTE  
14 MANAGEMENT BOARD. WELCOME TO UKIAH. WOULD THE  
15 SECRETARY PLEASE CALL THE ROLL.

16 BOARD SECRETARY: BOARD MEMBER CHESBRO.

17 BOARD MEMBER CHESBRO: HERE.

18 BOARD SECRETARY: FRAZEE.

19 BOARD MEMBER FRAZEE: HERE.

20 BOARD SECRETARY: GOTCH.

21 BOARD MEMBER GOTCH: HERE.

22 BOARD SECRETARY: RELIS.

23 BOARD MEMBER RELIS: HERE.

24 BOARD SECRETARY: CHAIRMAN PENNINGTON.

25 CHAIRMAN PENNINGTON: HERE. WE HAVE A

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1 QUORUM.

2 DOES ANY MEMBER HAVE ANY EX PARTE  
3 COMMUNICATIONS TO REPORT TODAY?

4 BOARD MEMBER GOTCH: LOTS OF THEM. IN  
5 FACT, FOR THE RECORD I'LL BE SUBMITTING A LIST OF  
6 WRITTEN CORRESPONDENCE EX PARTE TO THE BOARD  
7 EXECUTIVE ASSISTANT, BUT ADDED TO THAT LIST, I'VE  
8 HAD ADDITIONALLY A SPOKEN CONVERSATION WITH JOAN  
9 EDWARDS OF THE RRAC ON JULY 29TH REGARDING RPPC  
10 RATE, ITEM NO. 36 ON TODAY'S AGENDA. AND  
11 YESTERDAY I TOURED THE UKIAH LANDFILL AND  
12 DISCUSSED ITS PERMIT WITH RICK KENNEDY, CITY OF  
13 UKIAH DIRECTOR OF PUBLIC WORKS. ALSO, I JUST HAD  
14 A BRIEF CONVERSATION WITH DENISE DEL MATIER OF THE  
15 GUALCO GROUP AND TODD THOMPSON REGARDING ITEM NO.  
16 17, TRANSFER OF OPERATIONS.

17 BOARD MEMBER CHESBRO: I TOO HAVE AN  
18 EXTENSIVE LIST, PROBABLY DUPLICATES QUITE A BIT OF  
19 WHAT OTHER BOARD MEMBERS HAVE HAD IN TERMS OF  
20 WRITTEN COMMUNICATION, AND I WILL SUBMIT THAT TO  
21 THE BOARD'S ASSISTANT FOR THE RECORD.

22 IN TERMS OF VERBAL ONES THAT HAVE  
23 COME UP IN THE LAST FEW DAYS THAT I SHOULD GET ON  
24 THE RECORD PUBLICLY -- LET'S SEE HERE -- I SPOKE  
25 WITH REPRESENTATIVES OF THE CITY OF UKIAH

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1 YESTERDAY, AS DID OTHER BOARD MEMBERS, I KNOW, IN  
2 REGARDS TO THE LANDFILL, CITY LANDFILL. ALSO, DON  
3 KOEPP, THE VENTURA COUNTY LEA REGARDING THE TOLAND  
4 ROAD LANDFILL, ITEM 15. I SPOKE TO DENISE DEL  
5 MATIER, REPRESENTING NORCAL, LARRY SWEETSER  
6 REPRESENTING NORCAL, EVAN EDGAR REPRESENTING CRRC,  
7 AND KENT STODDARD, REPRESENTING WMX, WITH REGARDS  
8 TO THE TIERED PERMITTING ISSUE, NO. 17.

9 CHAIRMAN PENNINGTON: MR. RELIS.

10 BOARD MEMBER RELIS: JUST FOR THE RECORD,  
11 I RECEIVED YESTERDAY DURING MY SITE VISIT OF THE  
12 UKIAH LANDFILL A SERIES OF DOCUMENTS RELATED TO  
13 THE OPERATIONAL HISTORY OF THE UKIAH LANDFILL FROM  
14 MR. KENNEDY. AND THEN WE RECEIVED, I BELIEVE,  
15 JUST FROM MY ADVISOR THIS MORNING THE  
16 COMMUNICATION REGARDING TOLAND LANDFILL FROM THE  
17 ATTORNEYS REPRESENTING OPPOSITION TO THE LANDFILL,  
18 WATER BOARD.

19 CHAIRMAN PENNINGTON: MR. FRAZEE.

20 BOARD MEMBER FRAZEE: YES, MR. CHAIRMAN.  
21 I SPOKE THIS MORNING WITH DENISE DEL MATIER  
22 REPRESENTING NORCAL. THE ISSUE WAS NOT REGARDING  
23 ANYTHING ON THE AGENDA. ALSO, I TOURED THE CITY  
24 OF UKIAH LANDFILL YESTERDAY AND SPOKE WITH RICK  
25 KENNEDY, AND HE ALSO PROVIDED, AS HE DID TO ALL

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1 BOARD MEMBERS, A PACKET OF MATERIAL REGARDING THE  
2 OPERATION OF THAT LANDFILL. THAT'S ALL I HAVE NOT  
3 RECORDED IN THE RECORD.

4 CHAIRMAN PENNINGTON: I DON'T KNOW  
5 WHETHER IT'S LEGAL FOR ME TO SAY DITTO OR WHAT.  
6 I'VE HAD PRETTY MUCH ALL OF THE SAME  
7 COMMUNICATIONS. THERE WAS ONE, I VISITED THE  
8 TOLAND ROAD LANDFILL ON JULY 22D AND MET WITH MR.  
9 HAGEN, CARPENTER, AND ZEMEL. I THINK EVERYTHING  
10 ELSE I'VE PUT INTO THE RECORD.

11 ALSO, AS A REMINDER, FOR THOSE WHO  
12 WISH TO SPEAK ON ANY AGENDA ITEM, THE SLIPS ARE  
13 OUTSIDE THE MAIN DOOR HERE. APPRECIATE YOU  
14 FILLING ONE OUT AND GIVING IT TO MS. KELLY.

15 I HAVE A FEW ANNOUNCEMENTS ABOUT  
16 THE  
17 BOARD'S AGENDAS. ITEM 1, ITEMS 18 B, C, AND D,  
18 33, 35, AND 37 HAVE BEEN PULLED FROM TODAY'S  
19 AGENDA. AN AMENDMENT TO ITEM NO. 1 HAS BEEN  
20 ADDED

21 TO THE BOARD AGENDA. I THINK THAT'S IT.

22 NOW WE'LL HEAR FROM MR. SHOEMAKER,  
23 VICE MAYOR OF UKIAH.

24 VICE MAYOR SHOEMAKER: THANK YOU.

25 RICHARD SHOEMAKER, THE VICE MAYOR OF UKIAH. THE

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24 MAYOR WAS NOT ABLE TO MAKE IT TODAY, SO I AGREED  
25 TO WELCOME YOU. IT'S NICE TO SEE YOU FOLKS

1 SITTING WHERE I USUALLY SIT. I CAN WATCH AROUND  
2 HERE AND WATCH YOU STRUGGLE WITH DECISIONS FOR A  
3 CHANGE.

4 I'D LIKE TO WELCOME YOU ON BEHALF OF  
5 ALL THE CITIZENS OF MENDOCINO COUNTY, AND I THINK  
6 IT'S NICE YOU COME TO THIS PLACE TO MEET. I THINK  
7 THIS COUNTY HAS BEEN ONE OF THE STRONGEST  
8 SUPPORTERS OF THE GOALS AND OBJECTIVES OF THE  
9 SOLID WASTE BOARD. I THINK WE'VE PROVED THAT WITH  
10 ISSUES AROUND SUPPORT OF AB 939, FORMING A JPA IN  
11 1990 THAT GOT US THROUGH THE SOURCE REDUCTION AND  
12 RECYCLING ELEMENT THAT IS BASICALLY AT HOME TYPE  
13 OF WORK, NOT MRF'S AND LEAVE IT TO SOMEBODY ELSE  
14 TYPE OF PROGRAMS.

15 ALL OF OUR JURISDICTIONS IN THIS  
16 AREA HAVE REACHED OUR 25-PERCENT GOALS. SOME HAVE  
17 REACHED 30. WE HAVE OUR HOUSEHOLD WASTE HAZARDOUS  
18 ELEMENT IN PLACE. I'M SURE YOU SAW OUR UNIT  
19 OUTSIDE. SOMEBODY WILL TALK ABOUT THAT MORE  
20 LATER. OUR NONDISPOSABLE FACILITIES ELEMENT IS  
21 ADOPTED AND IN YOUR LAP. OUR SITING ELEMENT IS A  
22 PRELIMINARY DRAFT FORM AND ON THE WAY TO YOU.

23 WE'RE PART OF A RECYCLING MARKET  
24 DEVELOPMENT ZONE IN CONJUNCTION WITH SONOMA COUNTY  
25 AND WE JUST ADDED LAKE COUNTY TO THAT ZONE. WE

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1 HAVE TWO LOCAL BUSINESSES THAT HAVE BENEFITED FROM  
2 THE PROGRAM YOU INSTALLED THERE. WE'RE VERY  
3 GRATEFUL FOR THAT.

4 THROUGH THIS BOARD'S EFFORTS, WE'VE  
5 CLOSED CASPAR LANDFILL AND HELPED THE CLEAN  
6 CLOSURE OF THE LP BART DUMP ON THE COAST. WITHOUT  
7 YOUR PARTNERSHIP IN THAT, THAT PROBABLY WOULDN'T  
8 OCCUR, AND OUR COUNTY WOULD BE FACED WITH SOME  
9 VERY ONEROUS ISSUES IN THAT REGARD.

10 WE ACCOMPLISHED A CLEANUP OF THE ONE  
11 WORST ILLEGAL DUMPING AREAS IN THIS COUNTY UP IN  
12 COVELO WITH YOUR HELP. WE'VE RECEIVED HOUSEHOLD  
13 HAZARDOUS WASTE GRANTS, USED OIL GRANTS. AND EACH  
14 TIME YOUR FUNDS HAVE BEEN MATCHED OR EXCEEDED BY  
15 LOCAL FUNDS AND LEVERAGED IN THIS COMMUNITY, AND  
16 THE BENEFITS TO THOSE PROGRAMS HERE ARE  
17 PHENOMENAL.

18 UNDER HOUSEHOLD HAZARDOUS WASTE  
19 PROGRAMS, I WOULD BET MONEY THAT WE HAVE THE  
20 HIGHEST PER CAPITA PARTICIPATION OF ANY COUNTY  
IN  
21 THIS STATE, AND OUR SOLID WASTE DIRECTOR COULD  
22 PROBABLY TELL YOU ABOUT THAT ONE.

23 IN OTHER PARTS OF THE STATE, I  
KNOW

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24                   YOU HEAR A LOT OF COMPLAINTS ABOUT SOME OF THE  
25                   THINGS THAT YOU BRING DOWN.   AT TIMES WE  
PROTEST,

1           BUT I THINK IN THIS COUNTY YOU DO SEE ACTION.  
2           WE'VE IMPLEMENTED SERIOUS HAZARDOUS WASTE LOAD  
3           CHECK PROGRAMS. WE'VE GONE THROUGH OUR LANDFILL  
4           CLOSURE ISSUES. WE HAVE LANDFILL REMEDIATION THAT  
5           WE'RE WORKING ON, LANDFILL PERMITTING, AND  
6           DEFINITELY LANDFILL AND SOLID WASTE PLANNING FOR  
7           THE FUTURE.

8                           I BELIEVE THAT WE'VE SHOWN THAT  
9           EFFORT IN THIS COMMUNITY. YOU FOLKS HAVE BEEN  
10          SUPPORTERS OF US. YOU'VE BEEN PARTNERS, YOU'VE  
11          BEEN FRIENDS, AND I CERTAINLY HOPE IN TODAY'S  
12          DELIBERATIONS THAT KIND OF RELATIONSHIP CONTINUES.  
13          I HOPE YOUR WORK GOES WELL TODAY, YOUR STAY HERE  
14          LAST NIGHT WAS GOOD, AND GOOD DAY FOR YOU. THANK  
15          YOU.

16                       CHAIRMAN PENNINGTON: THANK YOU. NOW  
17          WE'LL HEAR FROM MR. MICHAEL SWEENEY, THE GENERAL  
18          MANAGER OF THE MENDOCINO SOLID WASTE MANAGEMENT  
19          JOINT POWERS AUTHORITY.

20                       MR. SWEENEY: THANK YOU. THE MENDOCINO  
21          SOLID WASTE MANAGEMENT AUTHORITY WAS A JOINT  
22          POWERS AGENCY CREATED IN 1990 BY THE COUNTY OF  
23          MENDOCINO AND THE CITIES OF UKIAH, FORT BRAGG, AND  
24          WILLETS. I'D LIKE TO WELCOME YOU TO UKIAH TODAY  
25          AND TAKE THE OPPORTUNITY TO GIVE OUR THANKS FOR

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1 THE GRANT FUNDING THAT YOUR BOARD PROVIDED FOR OUR  
2 MOBILE HOUSEHOLD HAZARDOUS WASTE PROGRAM. WE USED  
3 THE BOARD'S \$120,000 GRANT FROM 1995 TO BUY  
4 EQUIPMENT AND FACILITIES TO SET UP OUR HAZMOBILE  
5 PROGRAM. ALL BOARD FUNDS WENT FOR A CAPITAL  
6 INVESTMENT. ALL OPERATING FUNDS ARE PROVIDED  
7 LOCALLY.

8 THE MOBILE COLLECTION VEHICLE IS SET  
9 UP OUTSIDE. I HOPE YOU TAKE THE OPPORTUNITY TO  
10 LOOK IT OVER DURING THE BREAK. THE -- WE OPERATE  
11 THE HAZMOBILE WITH OUR OWN TECHNICIANS, AND  
12 SERVICE IS ALSO PROVIDED TO LAKE COUNTY UNDER A  
13 MEMORANDUM OF UNDERSTANDING.

14 SINCE THE HAZMOBILE STARTED  
15 COLLECTIONS IN APRIL, WE HAVE UNLOADED 1,828  
16 VEHICLES IN 14 WEEKEND COLLECTIONS IN MENDOCINO  
17 AND LAKE COUNTIES. THIS INCLUDES BOTH HOUSEHOLD  
18 AND SMALL BUSINESSES. ON ALMOST EVERY WEEKEND THE  
19 HAZMOBILE HAS SET UP SHOP SOMEWHERE IN THE TWO  
20 COUNTIES. THE PUBLIC CAN GET INFORMATION ABOUT  
21 THE COLLECTIONS FROM OUR TOLL FREE RECYCLING  
22 HOTLINE AND THROUGH OTHER PUBLIC INFORMATION  
23 PROGRAMS.

24 THE HAZMOBILE IS PROVIDING A LEVEL  
25 OF SERVICE NEVER BEFORE EXPERIENCED IN OUR TWO

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1           COUNTIES IN OUR RURAL COUNTIES, AND THE PUBLIC HAS  
2           RESPONDED ENTHUSIASTICALLY. WE ARE GREATLY  
3           REDUCING THE PRESENCE OF TOXICS IN THE WASTE  
4           STREAM BOTH IN THE UKIAH SERVICE AREA AND  
5           THROUGHOUT THE TWO COUNTIES.

6                       OUR PROGRAM OFFERS SUPPORT TO THE  
7           HAZARDOUS WASTE LOAD CHECKING AT THE UKIAH  
8           LANDFILL AND IN OTHER DISPOSAL SITES. LANDFILL  
9           PERSONNEL CLOSELY MONITOR THE WASTE FOR THE  
10          PRESENCE OF TOXIC ITEMS AND REMOVE THEM TO A  
11          HAZMAT LOCKER WHICH WE PERIODICALLY EMPTY. THE  
12          TRASH HAULERS ARE STEPPING UP THEIR VIGILANCE AS  
13          WELL, REMOVING TOXIC ITEMS FROM TRASH CANS AND  
14          DUMPSTERS, AND TELLING THE PUBLIC THAT THEY MUST  
15          BE HELD FOR THE NEXT HAZMOBILE COLLECTION.

16                      NOW, THE HAZMOBILE WAS MADE POSSIBLE  
17          BY A PARTNERSHIP BETWEEN THE STATE AND LOCAL  
18          GOVERNMENTS. YOUR GRANT FUNDS MADE IT POSSIBLE  
19          FOR US TO GET STARTED. WHAT KEEPS THE PROGRAM  
20          GOING IS LOCAL GOVERNMENT COOPERATION THROUGH OUR  
21          JPA. THROUGH THE JPA A SURCHARGE OF ABOUT \$3.50  
22          IS COLLECTED ON EVERY TON OF SOLID WASTE  
23          EXCLUSIVELY TO PAY THE OPERATING COSTS OF THE  
24          HAZMOBILE. I PERSONALLY WOULD BE SURPRISED

IF

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25                   THERE IS ANOTHER COUNTY IN CALIFORNIA THAT

1 COLLECTS A HIGHER SURCHARGE EXCLUSIVELY FOR  
2 HOUSEHOLD HAZARDOUS WASTE COLLECTION.

3 OUR JPA ALSO PROVIDES RECYCLING  
4 EDUCATION AND PROMOTION, BACKYARD COMPOSTING  
5 PROMOTION, ADMINISTRATION OF THE RECYCLING MARKET  
6 DEVELOPMENT ZONE, AND AB 939 REPORTS AND PLANS.

7 WE HAVE RECENTLY PURCHASED A FUTURE  
8 TRANSFER STATION SITE NORTH OF UKIAH TO REPLACE  
9 OUR LOCAL LANDFILLS WHEN THEY ALL CLOSE. OUR JPA  
10 SURVIVES BECAUSE IT ADDRESSES THE NEEDS OF ITS  
11 LOCAL GOVERNMENT MEMBERS, NOT ONLY IN HAZARDOUS  
12 WASTE, BUT MOST IMPORTANTLY IN SOLID WASTE  
13 DISPOSAL FOR THE FUTURE.

14 YOUR DECISIONS TODAY HAVE CRITICAL  
15 IMPORTANCE TO US IN OUR FUTURE ABILITIES OF OUR  
16 JPA TO MEET OUR SOLID WASTE NEEDS AND TO SURVIVE  
17 AS A FORCE FOR PROGRESSIVE POLICIES IN WASTE  
18 DIVERSION. THANK YOU AND WELCOME TO MENDOCINO  
19 COUNTY.

20 CHAIRMAN PENNINGTON: THANK YOU. NEXT  
21 WE'RE GOING TO HEAR FROM JOHN MORLEY, THE LEA FOR  
22 MENDOCINO COUNTY.

23 MR. MORLEY: MR. CHAIRMAN, BOARD  
MEMBERS,

24 GOOD MORNING. MY NAME IS JOHN MORLEY, AND I'M

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THE

25

IN

LOCAL ENFORCEMENT AGENCY FOR MENDOCINO COUNTY.

1 MARCH OF 1995, THE BOARD APPROVED A GRANT FOR THE  
2 LEA IN THE AMOUNT OF \$125,000 TO ABATE THE FOUR  
3 ILLEGAL DUMP SITES LOCATED IN THE VALLEY IN  
4 MENDOCINO COUNTY.

5 THE GRANT WAS MADE AVAILABLE UNDER  
6 THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE  
7 CLEANUP PROGRAM. I WANT TO THANK THE BOARD FOR  
8 AWARDED THE GRANT TO THE LEA. THE GRANT MADE  
9 POSSIBLE A PROJECT THAT ENCOMPASSED DUMP SITE  
10 ABATEMENT, A VEHICLE REMOVAL PROGRAM, AND  
11 COMMUNITY EDUCATION.

12 UNDER COMMUNITY EDUCATION, THE  
13 PROJECT WAS EXPANDED TO INCLUDE AN AMNESTY PROGRAM  
14 THAT ALLOWED FOR THE FREE DISPOSAL OF SCRAP METAL  
15 FROM TIRES. THE PROJECT BEGAN IN JUNE OF 1995 AND  
16 WAS COMPLETED IN OCTOBER OF 1995. A TOTAL OF 196  
17 TONS OF REFUSE WAS REMOVED, 300 VEHICLES WERE  
18 VOLUNTARILY RENDERED AND CRUSHED, 6,000 TIRES WERE  
19 REMOVED, AND 214 TONS OF SCRAP METAL WAS CRUSHED.

20 IN ADDITION, THE INDIAN COMMUNITY  
21 CONTRIBUTED \$15,000 TO CLEAN UP A DUMP SITE  
22 LOCATED ON PRIVATE PROPERTY. FORTY-EIGHT TONS OF  
23 REFUSE WAS REMOVED FROM THAT SITE.

24 I'D NOW LIKE TO SHOW SOME SLIDES. I  
25 APOLOGIZE IF I BLIND ANYBODY OVER THERE. I THINK

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1           THESE SLIDES WILL DEMONSTRATE VISIBLY THE SUCCESS  
2           OF THE PROJECT.   THIS FIRST PICTURE IS A SITE OF A  
3           DUMP SITE THAT WAS LOCATED ON MINA ROAD, AND THIS  
4           IS A PICTURE OF THE SAME DUMP SITE AFTER CLEANUP.

5                       THIS WAS A DUMP SITE THAT WAS  
6           LOCATED ON TRIBAL PROPERTY THAT THE TRIBAL  
7           COMMUNITY CONTRIBUTED \$15,000 TO CLEAN UP.   THIS  
8           IS A PICTURE OF THE SAME SITE AFTER THE CLEANUP.

9                       THIS WAS THE LARGEST DUMP SITE WHICH  
10          WAS LOCATED NORTH OF THE COVELO TRANSFER STATION.  
11          THIS IS A PICTURE OF THE SAME SITE AFTER THE  
12          CLEANUP, AND THIS IS ALSO ANOTHER PICTURE OF THAT  
13          VERY SAME SITE.

14                      NUMEROUS CAR BATTERIES WERE  
15          RECOVERED DURING THE COURSE OF THE PROJECT, AND  
16          THE BUSHES IN THE BACKGROUND THERE, THAT IS THE  
17          BEGINNING OF THE CREEK, MILL CREEK, AND THESE  
18          BATTERIES ARE ACTUALLY LOCATED IN THE CREEKBED.

19          THIS IS SOME OF THE 6,000 TIRES WHICH  
WERE REMOVED

20          FROM THE VALLEY.   THIS IS A VIEW OF THE  
SCRAP

21          METAL PILE.   AND THIS IS AN AERIAL VIEW  
OF THE LOT

22          WHERE WE BROUGHT IN THE SCRAP METAL ALONG

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WITH THE

23 ABANDONED VEHICLES.

24 I APOLOGIZE TO BOARD

MEMBERS FOR THE

25 LAYOUT HERE. I WANTED TO SAY THAT THE  
KEY TO THE

1           LONG-TERM SUCCESS TO A CLEANUP PROJECT IS  
2           COMMUNITY EDUCATION ALONG WITH A COHERENT  
3           ENFORCEMENT STRATEGY. WITH THAT, I'D LIKE TO  
4           INTRODUCE DEPUTY DISTRICT ATTORNEY PAUL HAGEN TO  
5           TALK ABOUT ENFORCEMENT.

6                       MR. HAGEN: GOOD MORNING. MY NAME IS  
7           PAUL HAGEN. I'M THE DEPUTY DISTRICT ATTORNEY HERE  
8           IN MENDOCINO COUNTY, AND I'D LIKE TO WELCOME YOU  
9           TO MENDOCINO COUNTY ALSO.

10                      THE DISTRICT ATTORNEY IN THIS COUNTY  
11           HAS MADE A STRONG POLICY COMMITMENT TO PROTECT THE  
12           ENVIRONMENT. WE'RE THE SMALLEST COUNTY IN THE  
13           STATE, THE SMALLEST D.A.'S OFFICE TO HAVE A  
14           PROSECUTOR DEDICATED FULL TIME TO ENVIRONMENTAL  
15           AND/OR CONSUMER PROTECTION ISSUES. AND THERE'S A  
16           REASON FOR THAT. YOU'VE SEEN SOME OF IT ALREADY,  
17           AND I'D LIKE TO SHOW YOU JUST A LITTLE BIT MORE.

18                      AND WHAT I'D LIKE TO TALK ABOUT IS  
19           TO EXPLAIN TO YOU WHAT THE AGENCIES IN MENDOCINO  
20           COUNTY ARE DOING TO COORDINATE THE ENFORCEMENT  
21           EFFORTS TO TAKE CARE OF THE DIFFERENT ASPECTS OF  
22           SOLID WASTE DISPOSAL IN MENDOCINO COUNTY. I'M NOT  
23           PART OF THE SOLID WASTE MANAGEMENT AUTHORITY OR  
24           THE DIVISION OF ENVIRONMENTAL HEALTH OF THOSE  
25           OTHER AGENCIES. I'M A PROSECUTOR. AND LIKE ALL

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1 PROSECUTORS, I LIKE GOOD CASES. AND GOOD CASES  
2 TAKE GOOD INVESTIGATIVE WORK. AND THAT'S KIND OF  
3 A PROBLEM IN THE AREA THAT WE'RE TALKING ABOUT  
4 HERE TODAY. PARTICULARLY IN ENVIRONMENTAL AREAS,  
5 WE'VE GOT STATUTES THAT EXIST ALL THE WAY ACROSS  
6 THE BOARD. AGENCIES THAT ARE SCATTERED ACROSS THE  
7 BOARD ALSO TO ENFORCE THAT AUTHORITY, AND IT'S  
8 HARD TO GET ENVIRONMENTAL PROTECTION OFTENTIMES  
9 JUST BY THE NATURE OF THINGS.

10 SO THE WAY THAT ENVIRONMENTAL  
11 PROSECUTORS IN CALIFORNIA APPROACH THIS IS THAT WE  
12 OFTEN FORM TASK FORCES, ENVIRONMENTAL TASK FORCES.  
13 WE'VE DONE THAT HERE IN MENDOCINO COUNTY. WE  
14 FORMED ONE LAST OCTOBER. IT MEETS ONCE A MONTH.  
15 THE VARIOUS AGENCIES WITH RESPONSIBILITY FOR  
16 ENVIRONMENTAL ENFORCEMENT OR OVERSIGHT COME TO THE  
17 TASK FORCE MEETING TO GET TO KNOW ONE ANOTHER,  
18 KNOW THEIR DIFFERENT JOB FUNCTIONS, AND GET TO  
19 WORK TOGETHER TO LEARN TO COORDINATE THINGS.

20 WE ADDRESS ALL MANNER OF  
21 ENVIRONMENTAL VIOLATIONS, BUT HOW DOES THIS FIT  
22 INTO THE WASTE BOARD AND WHY AM I TAKING YOUR TIME  
23 THIS MORNING TALKING ABOUT THIS KIND OF STUFF?  
24 WELL, THE WASTE BOARD STATUTES, FOR INSTANCE,  
25 DON'T HAVE ANY PROVISION FOR ENFORCEMENT BY

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1 D.A.'S, AT LEAST NOT TO MY KNOWLEDGE. THERE'S NO  
2 MISDEMEANOR PROVISIONS, AND THERE'S NO SPECIFIC  
3 ALLOCATION OF AUTHORITY TO DISTRICT ATTORNEYS. SO  
4 HOW DOES SOMEONE LIKE ME HELP WITH THE PROBLEM  
5 THAT WE HAVE HERE? WELL, TELL YOU WHAT THE  
6 PROBLEM IS AND I'LL TELL YOU HOW WE'RE GETTING AT  
7 IT.

8 MENDOCINO COUNTY IS LITERALLY  
9 BECOMING A GARBAGE DUMP. WE LIVE IN A VERY  
10 BEAUTIFUL PLACE, 3500 ODD SQUARE MILES OF  
11 MOUNTAINOUS TERRAIN, A VAST NUMBER OF  
12 MICROECOSYSTEMS, DIFFERENT ATTITUDES, DIFFERENT  
13 PEOPLE, DIFFERENT LAND USES, AND GARBAGE  
14 EVERYWHERE. WE'VE GOT GARBAGE SHOWING UP ON THE  
15 SIDES OF ROADS ALL OVER THIS COUNTY, AND ANY  
16 TURNOUT THAT YOU CAN GO ON IN ALMOST ANY ROAD IN  
17 THIS COUNTY, IF YOU STOP AND GET OUT AND LOOK,  
18 ODDS ARE YOU WILL FIND SOME GARBAGE THERE. SOME  
19 OF THESE TURNOUTS ARE ON BLUFFS AND SO FORTH, AND  
20 YOU LITERALLY HAVE FULL-BLOWN GARBAGE DUMPS DOWN  
21 BELOW THEM. IT'S A VERY SERIOUS PROBLEM UP HERE,  
22 AND I'D LIKE TO GET AT IT.

23 WE'VE GOT A LARGE PERCENTAGE OF  
24 PEOPLE WHO ARE AT THE POVERTY LEVEL, OTHER PEOPLE  
25 WHO ARE AT THE LOW INCOME LEVEL, AND WE'VE GOT A

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1           SITUATION IN THE COUNTY WHERE LANDFILLS ARE  
2           CLOSING AND FEES ARE GOING UP. SO YOU'VE GOT A  
3           REDUCTION IN AVAILABILITY TO PHYSICAL ACCESS SITES  
4           AND YOU'VE ALSO GOT BARRIERS IN FEES. I  
5           UNDERSTAND ALL THAT, AND I'M SENSITIVE TO THAT,  
6           BUT THAT'S NOT A POLICY ISSUE THAT I DEAL WITH.  
7           THAT'S FOR THE OTHER AGENCIES TO ADDRESS AS WELL  
8           AS PERHAPS YOURSELF.

9                       BUT ENVIRONMENTAL DISTRICT ATTORNEYS  
10          DO, IN EFFECT, MAKE POLICY BY THE CHOICE OF THE  
11          STATUTES THAT WE CHOOSE TO ENFORCE AND HOW WE GO  
12          ABOUT THAT. HOW I'VE GONE ABOUT IT HERE IS IN  
13          MARCH OF THIS YEAR AT A TASK FORCE MEETING, I  
14          INVITED VARIOUS AGENCIES HAVING TO DO WITH SOLID  
15          WASTE TO COME TO THE TASK FORCE TO TALK ABOUT THE  
16          ILLEGAL GARBAGE DUMPING HERE IN THE COUNTY.  
17          AGENCIES THAT WERE INVITED INCLUDED SOLID WASTE  
18          MANAGEMENT AUTHORITY, THE DEPARTMENT OF PLANNING  
19          AND BUILDING, THE DEPARTMENT OF PUBLIC WORKS, THE  
20          DIVISION OF ENVIRONMENTAL HEALTH, AND THE  
21          INDIVIDUAL WHO RUNS THE LANDFILLS HERE IN THE  
22          COUNTY.

23                       THEY PRETTY MUCH ALL SHOWED UP.  
24          SOME WERE NOT AVAILABLE. WE TALKED ABOUT IT AND  
25          WE STARTED TO COORDINATE EFFORTS, AND THOSE

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1           EFFORTS ARE BEING COORDINATED BY JOHN MORLEY, WHO  
2           JUST SPOKE TO YOU AS THE LOCAL ENFORCEMENT AGENCY  
3           FOR WASTE BOARD STATUTES.

4                       I'D LIKE TO SHOW YOU THE TOOLS THAT  
5           I HAVE AVAILABLE AND SOMETHING NOT QUITE AS  
6           GRAPHIC AS WHAT MR. MORLEY JUST SHOWED YOU. VERY  
7           QUICK AND SHOW YOU WHAT ENVIRONMENTAL PROSECUTORS  
8           CAN DO TO ADDRESS THE ILLEGAL DUMPING OF SOLID  
9           WASTE AND HOW THIS HAS AN IMPACT HERE IN MENDOCINO  
10          COUNTY.

11                      AS I MENTIONED, TO MY KNOWLEDGE, THE  
12          WASTE BOARD STATUTES DON'T HAVE ANY PROVISION FOR  
13          D.A. ENFORCEMENT. SO IF I'M TO DO ANYTHING, I  
14          HAVE TO GO ABOUT IT DIFFERENTLY. SO AT THE TASK  
15          FORCE MEETING IN MARCH, I SHOWED THE PEOPLE WHO  
16          SHOWED UP THERE WHAT TYPE OF TOOLS I HAVE  
17          AVAILABLE TO ME. AND I JUST, WITHOUT GETTING INTO  
18          DETAILS HERE, I'LL JUST VERY QUICKLY SHOW YOU  
19          THESE. THIS IS THE PENAL CODE. THAT'S A  
20          DEFINITION OF LITTERING UNDER WASTE MATTER. AND I  
21          CAN GIVE THESE TO YOUR ATTORNEY OR MAKE THESE CODE  
22          SECTIONS AVAILABLE TO YOU LATER.

23                      IN THE INTEREST OF TIME, I'D JUST  
24          KIND OF LIKE TO FLIP THROUGH THEM RIGHT NOW.  
25          PENAL CODE 374 HAS A NUMBER OF PROVISIONS THAT

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1 ADDRESS IN THE BEGINNING LITTERING, BUT MORE  
2 SPECIFICALLY THE NAP, DUMPING REFUSE ON PUBLIC OR  
3 PRIVATE LANDS OR PROPERTY. THIS IS AN INFRACTION,  
4 374.3, BUT DOWN AT 374.3(H), WHICH YOU SEE AT THE  
5 BOTTOM HERE, IT TALKS ABOUT COMMERCIAL QUANTITIES.  
6 ANYBODY WHO DUMPS IN COMMERCIAL QUANTITIES SHALL  
7 BE GUILTY OF A MISDEMEANOR, SO IT UPS THE STAKES  
8 AND THE FINES AND PENALTIES AND INCREASED, AND YOU  
9 CAN ALSO SEE THAT THE DEFINITION OF COMMERCIAL  
10 QUANTITIES IS RIGHT THERE IN THE STATUTE.

11 SO THERE'S A DUMPING STATUTE THAT  
12 GOES TO ANYBODY, AND IT GOES TO PEOPLE WHO ARE  
13 RUNNING BUSINESSES IN PARTICULAR AND CHOOSE TO  
14 DISPOSE OF THEIR REFUSE IN PLACES OTHER THAN  
15 LANDFILLS. HERE'S A COUPLE MORE CODE SECTIONS:  
16 374.4 AND .7, LITTERING AGAIN, AND THEN WATER,  
17 DUMPING RUBBISH IN WATER. THESE ARE ALSO  
18 INFRACTIONS, I BELIEVE.

19 HERE'S A BETTER ONE, CLEARLY A  
20 MISDEMEANOR, 374.8, DEPOSITING HAZARDOUS  
21 SUBSTANCES. THIS IS AGAIN A PENAL CODE SECTION.  
22 THIS IS NOT UNLIKE HEALTH AND SAFETY CODE,  
23 HAZARDOUS WASTE CONTROL ACT, BUT IT'S GOT A LOWER  
24 LEVEL OF DEFINITION FOR WHAT CONSTITUTES A  
25 HAZARDOUS SUBSTANCE. IT'S A LITTLE BIT EASIER

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1 BURDEN OF PROOF FOR THE D.A. AND THERE'S SOME  
2 PRETTY STIFF FINES, BETWEEN 50 AND \$10,000, AND  
3 IT'S A WOBBLER, EITHER A MISDEMEANOR OR A FELONY,  
4 DEPENDING ON JUST HOW BAD THE STUFF IS THAT THEY  
5 DUMPED.

6 MENDOCINO COUNTY IS VERY  
7 MOUNTAINOUS. IT'S GOT A LOT OF CREEKS AND STREAMS  
8 IN IT. FISH AND GAME WARDENS UP HERE HAVE PERHAPS  
9 HIGHER VISIBILITY THAN OTHER TYPES OF COUNTIES.  
10 FISH AND GAME CODE 5652, DISPOSAL OF CANS,  
11 BOTTLES, GARBAGE, MOTOR VEHICLES, AND PARTS. THIS  
12 IS A MISDEMEANOR STATUTE, AND IT'S GOT A VERY NICE  
13 PROVISION IN HERE.

14 THE ABANDONMENT OF ANY MOTOR VEHICLE  
15 IN ANY MANNER WHICH VIOLATES THE PROVISIONS OF  
16 THIS SUBSECTION SHALL CONSTITUTE A REBUTTABLE  
17 PRESUMPTION, BURDEN OF PROOF, THE EVIDENCE THAT  
18 THE LAST PERSON WHO OWNED THE CAR WAS RESPONSIBLE  
19 FOR IT BEING WHERE WE FOUND IT. AND WE HAVE A BIG  
20 PROBLEM WITH THAT HERE. I'LL SHOW YOU THAT VERY  
21 BRIEFLY IN A MOMENT.

22 IN ADDITION TO THE FISH AND GAME  
23 CODE, YOU'VE GOT VEHICLE CODE SECTIONS HERE, WHICH  
24 ARE ABOUT LITTERING, MATTER ON THE HIGHWAY, AND  
25 THE MIDDLE ONE HERE, HAZARDOUS MATERIALS ON THE

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1 HIGHWAY. GARBAGE HAULERS HERE, 23115. JUST A  
FEW

2 WEEKS AGO WE HAD SOMEBODY COMING THROUGH THE  
3 COUNTY WITH A LOAD OF FISH HEADS BOUND FOR  
4 MODESTO, AND HE STOPPED A LITTLE TOO FAST, AND  
5 WILLETS HAD A PROBLEM WITH UNWANTED BODY PARTS  
ON

6 THE ROAD. AND SO I CHARGED OUT THREE COUNTS  
UNDER

7 THAT AGAINST BOTH THE TRUCK DRIVER'S SUPERVISOR  
AS

8 WELL AS THE COMPANY. THEY HAVE YET TO BE  
9 ARRAIGNED.

10 HERE'S ANOTHER SECTION ON  
LITTERING.

11 AND I'D LIKE TO SHOW YOU HERE, DOWN HERE, C, IT  
IS

12 THE INTENT OF THE LEGISLATURE THAT PERSONS  
13 CONVICTED OF HIGHWAY LITTERING BE REQUIRED TO  
BEAR

14 THE PENALTY FOR THEIR ACTIONS; THEREFORE, THE  
15 COURT MAY NOT SUSPEND THE MANDATORY FINES  
REQUIRED

16 BY THE SUBDIVISION.

17 AND IN ADDITION UP HERE, YOU CAN

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SEE

18 B, THE COURT SHALL, IN ADDITION TO THE FINES

19 IMPOSED, ORDER THE OFFENDER TO PICK UP THE

LITTER.

20 THESE ARE SOME CODE SECTIONS THAT PROSECUTORS

HAVE

21 AVAILABLE TO THEM BECAUSE THEY'RE CRIMINAL

22 PENALTIES, EITHER INFRACTIONS OR MISDEMEANORS.

23 AT THE TASK FORCE MEETING IN

MARCH,

24 I ASKED THE DEPARTMENT OF PUBLIC WORKS

DIRECTOR,

25 MR. BUDGE CAMPBELL, TO ATTEND. AND BEFORE HE  
CAME

1           IF HE'D GIVE US A LIST OF THE DUMP SITES THAT  
2           OCCUR ALL OVER THE COUNTY NEXT TO THE ROADS  
3           BECAUSE PUBLIC WORKS IS IN CHARGE OF THE ROADS,  
4           AND THEY HAVE TO ALLOCATE A LARGE PART OF THEIR  
5           BUDGET, DISPROPORTIONATELY LARGE, TO PICKING UP  
6           GARBAGE.

7                        SO MR. CAMPBELL BROUGHT TO THE  
8           MEETING THIS LIST OF ILLEGAL DUMP SITES ALONG  
9           COUNTY ROADS.  AND THESE WERE, AT MY REQUEST,  
10          SIMPLY THOSE SITES THAT HE THOUGHT HAD HAD A HIGH  
11          LEVEL OF FREQUENCY AND THAT WE THOUGHT THAT WE  
12          COULD PERHAPS DO SOME SURVEILLANCE ON.  BY NO  
13          MEANS EXHAUSTIVE, IT'S JUST THE BIGGEST ONES.  AND  
14          YOU CAN SEE THERE'S A LOT OF THEM IN HERE.  AND  
15          THAT'S JUST FROM ONE AGENCY.  THERE'S A LOT MORE  
16          DUMP SITES ALL OVER THE COUNTY, AND THEY'RE DOING  
17          TREMENDOUS DAMAGE.

18                       AND THE ATTITUDE ON THE PART OF THE  
19          PEOPLE IS SOMETIMES SOMEWHAT CAVALIER.  I  
20          RECOGNIZE THAT IF THE LANDFILLS ARE CLOSED, THEN  
21          IT'S DIFFICULT TO GET OVER THE MOUNTAIN ROADS TO  
22          GET THERE; AND IF THE FEES ARE HIGH AND YOU DON'T  
23          HAVE A LOT OF INCOME, THAT'S A PROBLEM FOR YOU,  
24          BUT IT DOESN'T JUSTIFY PUSHING YOUR TRUCK FULL OF  
25          GARBAGE.  AND I'D LIKE TO SHOW YOU AND THE BOARD

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1           HERE THE ORIGINALS OF THESE PHOTOGRAPHS. I  
2           APOLOGIZE FOR THE LACK OF QUALITY IN THE OVERHEAD.

3                       THIS IS A 1972 DATSUN PICKUP TRUCK  
4           FULL OF GARBAGE IN ITS BED BACK HERE, AND DOWN  
5           HERE IS THE SAME TRUCK. OVER HERE YOU SEE THE  
6           CONTENTS OF WHAT'S IN THE BED OF THE TRUCK. YOU  
7           CAN SEE THAT THERE'S A LOT OF AUTOMOBILE PARTS IN  
8           THERE. HERE'S AN AIR FILTER HOUSING. HERE'S AN  
9           AIR FILTER. HERE'S AN AEROSOL SPRAY CAN. HERE'S  
10          A DRIVE SHAFT RIGHT HERE. THIS IS JUST AUTOMOTIVE  
11          JUNK.

12                      THE LOCAL PEOPLE WHO LIVE NEAR ORR  
13          SPRINGS ROAD NEXT TO ORR CREEK HAD JUST RECENTLY  
14          CLEANED UP THIS CREEK OF ILLEGAL GARBAGE,  
15          INCLUDING ABOUT 40 OR 60 TIRES. JUST A COUPLE OF  
16          DAYS LATER THEY CAME UPON THIS MESS HERE. THEY  
17          WERE OUTRAGED. THEY CALLED THE FISH AND GAME  
18          WARDEN, WHO CAME OUT, CHECKED IT OUT, DID SOME  
19          RESEARCH, AND FOUND, AMONG OTHER THINGS, WHILE THE  
20          TRUCK WAS GOING DOWN THE EMBANKMENT INTO THE  
21          CREEK, IT KNOCKED OVER A SIGN. SO HE TOOK A  
22          PHOTOGRAPH OF THAT TOO. AND YOU CAN SEE AGAIN  
23          HERE, THERE'S THE VEHICLE AND THERE IT IS AGAIN.

24                      THIS PERSON IS DUE TO BE ARRAIGNED  
25          THIS FRIDAY. THREE COUNTS UNDER THE FISH AND GAME

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1 CODE, ONE FOR ILLEGAL DISPOSAL OF PETROLEUM  
2 PRODUCTS BECAUSE NOT ONLY DID THE MASTER CYLINDER  
3 HAVE SOME FLUID IN IT, WHICH WAS A RATHER SMALL  
4 AMOUNT, BUT THE VEHICLE STILL HAD ITS TRANSMISSION  
5 INTACT AND ITS REAR IN INTACT, AND THERE WAS A  
6 BUNCH OF GARBAGE IN THE BACK, SO I GOT TWO COUNTS  
7 OF 5652 FOR THE GARBAGE. AND THERE WAS A  
8 REBUTTABLE PRESUMPTION IN THERE THAT THE LAST  
9 REGISTERED OWNER OF THE VEHICLE OWNS IT AND IS  
10 RESPONSIBLE FOR IT BEING THERE, AS I MENTIONED.

11 IT IS A VERY BIG PROBLEM IN THE  
12 COUNTY, WHAT'S GOING ON, AND I'M SURE THAT THIS  
13 COUNTY, MENDOCINO COUNTY, IS NOT UNLIKE OTHER  
14 RURAL COUNTIES THAT DON'T HAVE A LARGE ECONOMIC  
15 RESOURCE BASE. I JUST WANTED TO SHOW YOU, AT JOHN  
16 MORLEY'S REQUEST, WHAT WE IN THE D.A.'S OFFICE  
17 WOULD LIKE TO DO TO HELP THE PROBLEM OF SOLID  
18 WASTE MANAGEMENT.

19 I WORKED ALSO WITH RICK KENNEDY FROM  
20 CITY OF UKIAH. I'M HAPPY TO WORK WITH ANY AGENCY  
21 TO TRY TO GET A COORDINATION OF VARIOUS AGENCIES  
22 TO APPROACH THIS PROBLEM, AND ANYTHING THAT I CAN  
23 DO, WHILE PEOPLE WHO DON'T THROW THINGS PROPERLY  
24 EITHER IN LANDFILLS OR OUT OF LANDFILLS. IF YOU'D  
25 LIKE TO ASK ME ANY QUESTIONS, I'D BE HAPPY TO

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1           ANSWER THEM, OR IF YOU'D LIKE TO CONTACT MY OFFICE  
2           IN THE FUTURE, I'D DO ANYTHING I CAN TO HELP YOU.  
3           THANK YOU VERY MUCH.

4                   CHAIRMAN PENNINGTON:   THANK YOU VERY  
5           MUCH.

6                   BOARD MEMBER RELIS:   I'D LIKE TO JUST  
7           THANK YOU FOR GETTING THIS LOOK AT THE ENFORCEMENT  
8           SIDE BECAUSE WE DON'T USUALLY SEE THIS LEVEL OF  
9           INFORMATION ABOUT THE ENFORCEMENT PROBLEMS IN  
10          PARTICULARLY THE RURAL AREAS AND HEARING HOW  
11          YOU'RE APPROACHING IT.   AND I THINK IT'S QUITE  
12          COMMENDABLE.

13                   MR. HAGEN:   THANK YOU.

14                   CHAIRMAN PENNINGTON:   THANK YOU VERY  
15          MUCH.   NEXT WE'LL GO TO COMMITTEE REPORTS.

16                   BOARD MEMBER CHESBRO:   COMING UP THE  
17          NORTH COAST GETS ME A LITTLE CLOSER TO HOME, BUT  
18          NOT QUITE HOME.   I'M, FOR THOSE WHO I DON'T KNOW  
19          HERE, I'M FROM HUMBOLDT COUNTY, AND ON THE NORTH  
20          COAST I THINK WE ALL HAVE A WHOLE LOT OF THINGS IN  
21          COMMON AS A REGION.   AND SO I'M JUST VERY PLEASED  
22          TO BE VISITING IN A PART OF THE STATE THAT I THINK  
23          WITHOUT EXCEPTION EACH OF THESE COUNTIES ON THE  
24          NORTH COAST ARE RELATIVELY RURAL, BUT ALSO HAVE A  
25          HIGH DEGREE OF COMMITMENT TO ENVIRONMENTAL

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1 PROTECTION AND CONCERNS ABOUT THE RESOURCES THAT  
2 ARE STEWARDED BY THE PEOPLE WHO LIVE HERE.

3 IT'S REALLY NICE TO SEE A NUMBER OF  
4 PEOPLE I'VE WORKED WITH OVER THE YEARS ON VARIOUS  
5 REGIONAL ISSUES, VICE MAYOR SHOEMAKER, SUPERVISOR  
6 LIZ HENRY, WHO'S HERE, AND ALSO DAVE EVANS, WHO,  
7 SINCE I HAD THE HUMBOLDT COUNTY LANDFILL IN MY  
8 DISTRICT, I WORKED WITH REGIONAL WATER QUALITY  
9 CONTROL BOARD STAFF ON A REGULAR BASIS DEALING  
10 WITH ISSUES ASSOCIATED THERE. SO I DO THINK IT'S  
11 A GREAT PART OF THE STATE, AND YOU ALL DESERVE TO  
12 BE VERY PROUD. AND I CHEER YOU ON IN YOUR EFFORTS  
13 TO TRY TO PROTECT IT AND CONTINUE TO MAKE IT THE  
14 UNIQUE PLACE THAT IT IS, AND I'M GLAD THE BOARD  
15 COULD VISIT HERE.

16 CHAIRMAN PENNINGTON: THANK YOU, MR.  
17 CHESBRO. I AGREE WITH YOU ON THE BEAUTY OF THIS  
18 AREA, AND IT'S DEAR TO ME TOO. ON JANUARY 22,  
19 1908, A VERY IMPORTANT EVENT OCCURRED HERE, THAT  
20 MY FATHER WAS BORN HERE IN UKIAH. IT WAS VERY  
21 IMPORTANT TO ME. OKAY.

22 THE BOARD REPORTS ON COMMITTEES,  
23 LEGISLATION AND PUBLIC EDUCATION, MRS. GOTCH.

24 BOARD MEMBER GOTCH: MR. CHAIRMAN, THE  
25 LEGISLATION AND PUBLIC EDUCATION COMMITTEE MET ON

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1 JULY 18TH TO CONSIDER FIVE STATE LEGISLATIVE  
2 MEASURES. OF THESE MEASURES SB 1832 IS ON THE  
3 CONSENT CALENDAR AND SB 1155 WAS HELD IN COMMITTEE  
4 BECAUSE THE BOARD'S PREVIOUS POSITION ON THE BILL  
5 WAS UNCHANGED.

6 ADDITIONALLY, THE LPEC COMMITTEE  
7 HEARD AB 1647 IN JUNE, BUT DID NOT FORWARD IT TO  
8 THE BOARD PENDING AMENDMENTS. ORIGINALLY IT HAD  
9 BEEN REQUESTED THAT THE BOARD HEAR THIS BILL  
10 TODAY; HOWEVER, BECAUSE THE BILL REMAINS  
11 UNCHANGED, WE ARE PULLING IT FROM TODAY'S AGENDA.

12 TWO OF THE REMAINING BILLS WE HEARD  
13 IN COMMITTEE THIS MONTH, AB 2323 AND AB 2707, HAVE  
14 NOT YET BEEN AMENDED AND ALSO HAVE BEEN PULLED, AS  
15 THE CHAIR HAD STATED EARLIER.

16 AS YOU KNOW, THE LEGISLATURE IS  
17 CURRENTLY IN RECESS. MOST OF THE BILLS ARE IN A  
18 STATE OF FLUX SUBJECT TO LAST MINUTE AMENDMENTS  
19 AND NEGOTIATIONS. BECAUSE OF THE TWO-YEAR  
20 SESSION, MANY OF THESE BILLS CAN AND WILL BE  
21 AMENDED SEVERAL TIMES BEFORE THE END OF SESSION.

22 THE REMAINING BILL BEFORE US TODAY  
23 IS AB 626 BY ASSEMBLY MEMBER SHER -- SENATOR SHER  
24 NOW. THIS BILL MAKES VARIOUS PROGRAMMATIC CHANGES  
25 REGARDING HOW THE BOARD INTERACTS WITH RURAL

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1           COUNTIES ON FINANCIAL ASSURANCES, ETC. THE  
2           COMMITTEE VOTED THREE OH TO TAKE A SUPPORT IF  
3           AMENDED POSITION.

4                       REGARDING PUBLIC EDUCATION, THE LPEC  
5           COMMITTEE HEARD A REPORT FROM JOAN STAT AND CARRIE  
6           STEINBERG, WHO HOSTED A WASTE REDUCTION WORKSHOP  
7           FOR SOUTHERN CALIFORNIA HOTELS ENTITLED "WATCH  
8           YOUR WASTE." THIS WORKSHOP WAS DESIGNED TO HELP  
9           HOTELS DEVELOP COMPREHENSIVE WASTE DIVERSION AND  
10          REDUCTION STRATEGIES.

11                      THEY WERE FUNDED THROUGH A GRANT  
12          FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT  
13          BOARD. THE WORKSHOP SHOWED THE HOTEL INDUSTRY HOW  
14          TO IMPLEMENT VARIOUS WASTE DIVERSION ACTIVITIES  
15          SUCH AS FOOD BANKS, DONATIONS TO GOOD WILL AND  
16          OTHER CHARITABLE ORGANIZATIONS, AND BUYING IN BULK  
17          RATHER THAN INDIVIDUALLY AS A COST-EFFECTIVE  
18          MEASURE.

19                      GIVEN THAT TOURISM IS ONE OF THE  
20          MAJOR INDUSTRIES IN CALIFORNIA, NO. 1 INDUSTRY, AS  
21          A MATTER OF FACT, THE BOARD NEEDS TO INCREASE OUR  
22          OUTREACH EFFORTS TO THIS BUSINESS GROUP.

23                      FINALLY, THE COMMITTEE HEARD A  
24          PRESENTATION FROM BILL ANDREWS WITH THE  
25          ENVIRONMENTAL EDUCATION BOARD IN THE DEPARTMENT OF

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1 EDUCATION AND THEIR REGIONAL HUBS PROJECT.  
2 PRESENTATION DESCRIBED THE CDE'S ATTEMPT TO CREATE  
3 12 REGIONAL HUBS THAT WOULD COORDINATE THE  
4 ENVIRONMENTAL EDUCATION PROGRAMS, PARTICULARLY  
5 ENERGY EFFICIENCY, WASTE REDUCTION, AND WATER  
6 CONSERVATION, WITH SCHOOL DISTRICTS STATEWIDE.  
7 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD IS  
8 EXPLORING AN ONGOING PARTNERSHIP WITH THE CDE TO  
9 PROMOTE THIS PROJECT. AND THAT COMPLETES MY  
10 REPORT.

11 CHAIRMAN PENNINGTON: THANK YOU, MRS.  
12 GOTCH. NEXT WE WILL HEAR FROM THE LOCAL  
13 ASSISTANCE AND PLANNING, MR. CHESBRO.

14 BOARD MEMBER CHESBRO: MR. CHAIRMAN, THE  
15 COMMITTEE CONSIDERED 36 PLANNING DOCUMENTS, WHICH  
16 REPRESENTED 26 JURISDICTIONS, AT ITS MEETING THIS  
17 MONTH. ALL OF THOSE PLANS ARE ON THE CONSENT  
18 CALENDAR TODAY. THE COMMITTEE APPROVED THE  
19 ADDITION OF THE TOWN OF WINDSOR TO THE SONOMA  
20 COUNTY WASTE MANAGEMENT REGIONAL AGENCY.

21 COMMITTEE ALSO APPROVED A

CORRECTION

22 FOR ASH IN THE PREVIOUSLY APPROVED SOURCE  
23 REDUCTION AND RECYCLING ELEMENT FOR THE  
24 UNINCORPORATED AREAS OF STANISLAUS COUNTY.

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YOU

25

ISSUES

MAY RECALL THAT THERE HAVE BEEN A NUMBER OF

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1 INVOLVING STANISLAUS' SITUATION AND ITS POWER  
2 PLANT. AND COMMITTEE AND THE BOARD HAD ASKED  
3 STAFF TO WORK WITH THE COUNTY TO TRY TO RESOLVE  
4 SOME OF THOSE ISSUES. STAFF HAS WORKED CLOSELY  
5 WITH THE COUNTY, AND BOTH ARE HAPPY WITH THE  
6 RESULTS. THIS ITEM IS ALSO ON THE CONSENT  
7 CALENDAR.

8 WE ALSO CONSIDERED THE 1995 RIGID  
9 PLASTIC PACKAGING CONTAINER AND PETE RECYCLING  
10 RATE, AND THAT WILL BE DISCUSSED, AS I'M SURE MANY  
11 OF YOU ANTICIPATE, LATER ON IN TODAY'S AGENDA.

12 SOME QUICK UPDATES. UNIVERSITY OF  
13 NEVADA RENO, SAN FRANCISCO STATE, AND SAN DIEGO  
14 STATE UNIVERSITY ARE PROVIDING FREE WASTE AUDITS  
15 FOR BUSINESSES IN CALIFORNIA. THESE ARE BEING  
16 PAID FOR BY THE U.S. DEPARTMENT OF ENERGY

THROUGH

17 THE ENERGY COMMISSION, CALIFORNIA ENERGY  
18 COMMISSION. AND OUR STAFF IS WORKING CLOSELY  
WITH  
19 THE ENERGY COMMISSION AND THE UNIVERSITIES TO  
20 PROMOTE THE PROGRAM AND PROVIDE ASSISTANCE.

21 STAFF CONTINUES TO IDENTIFY AND  
WORK

22 WITH SCHOOL DISTRICTS STATEWIDE ENCOURAGING

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WASTE

23                    DIVERSION ACTIVITIES.    STAFF HAS MET WITH  
TEACHERS

24                    AND REPRESENTATIVES FROM THE COUNTIES OF

HUMBOLDT,

25                    SHASTA, AND TEHAMA TO EXPAND EDUCATION AND

1           DIVERSION PROGRAMS.

2                           SOME WASTE PREVENTION NEWS.   WASTE  
3           PREVENTION STAFF CONDUCTED WASTE ASSESSMENTS AT  
4           THE DEPARTMENT OF WATER RESOURCES OFFICES IN  
5           GLENDALE AND THE AIR RESOURCES BOARD OFFICES IN EL  
6           MONTE.   THESE TWO STATE OFFICES HAVE BEEN SELECTED  
7           TO PARTICIPATE IN THE BOARD'S STATE OFFICE WASTE  
8           REDUCTION PROJECT.

9                           AND FINALLY, STAFF FROM THE BOARD'S  
10          CONSTRUCTION AND DEMOLITION PROGRAM COMPLETED THE  
11          DISPLAY WHICH WAS USED AS THE BASE FOR THE  
12          PORTABLE RECYCLED CONTENT BUILDING PRODUCTS  
13          EXHIBIT THAT PREMIERED AT THE PACIFIC COAST  
14          BUILDERS CONFERENCE IN SAN FRANCISCO IN LATE JUNE.  
15          WE HAVE BEEN TALKING FOR SOME TIME ABOUT A MOBILE  
16          EXHIBIT THAT CAN BE TAKEN AROUND AND SHOWN HOW TO  
17          USE BUILDING MATERIALS AND DEMONSTRATE BUILDING  
18          MATERIALS THAT ARE MADE FROM RECYCLED PRODUCTS.  
19          AND THIS DISPLAY FINALLY ACCOMPLISHED THAT, SO  
20          IT'S SOMETHING VERY EXCITING.   THE DISPLAY  
21          RECEIVED HIGH MARKS AND WAS VERY POPULAR AT THE  
22          CONFERENCE.   I EXPECT WE'LL BE APPEARING IN THE  
23          FUTURE AT SIMILAR EVENTS AROUND THE STATE.

24                          CHAIRMAN PENNINGTON:   THANK YOU.   NEXT  
IS

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25 PERMITTING AND ENFORCEMENT, MR. FRAZEE.

1                   BOARD MEMBER FRAZEE:   THANK YOU, MR.  
2                   CHAIRMAN.   PERMITTING AND ENFORCEMENT COMMITTEE  
3                   MET ON JULY THE 10TH.   FOLLOWING ITEMS WERE HEARD  
4                   AND RECOMMENDED ON TODAY'S CONSENT AGENDA:   A  
5                   REVISED SOLID WASTE FACILITIES PERMIT FOR THE  
6                   MORONGO SOLID WASTE DISPOSAL SITE IN SAN  
7                   BERNARDINO COUNTY, A REVISED SOLID WASTE FACILITY  
8                   PERMIT FOR THE WEST CONTRA COSTA COUNTY LANDFILL,  
9                   SITES FOR STABILIZATION UNDER WASTE TIRE  
10                  STABILIZATION AND ABATEMENT PROGRAM, CONSIDERATION  
11                  OF LEA ADVISORIES AS GUIDANCE DOCUMENTS, AND THE  
12                  CONSIDERATION OF THE YUBA SUTTER DISPOSAL FOR  
13                  REMEDICATION UNDER THE AB 2136 SITE CLEANUP PROGRAM  
14                  AND PARTIAL CLOSURE UTILIZING FINANCIAL ASSURANCE  
15                  MECHANISMS.   EVEN THOUGH THAT'S ON THE CONSENT  
16                  CALENDAR, THE BOARD WILL BE HEARING MORE ABOUT IT  
17                  AS TIME GOES ALONG.

18                         FOLLOWING ITEMS ARE PLACED ON  
19                         TODAY'S REGULAR AGENDA:   THE REVISED SOLID WASTE  
20                         FACILITIES PERMIT FOR THE UKIAH SOLID WASTE  
21                         DISPOSAL SITE HERE IN MENDOCINO COUNTY, THE  
22                         REVISED SOLID WASTE FACILITIES PERMIT FOR THE  
23                         BRADLEY LANDFILL WEST AND WEST EXTENSION IN LOS  
24                         ANGELES COUNTY, STANDARDIZED SOLID WASTE FACILITY  
25                         PERMIT FOR THE CITY OF BAKERSFIELD MATERIAL

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1           PROCESSING FACILITY IN KERN COUNTY, AND A REVISED  
2           SOLID WASTE FACILITIES PERMIT FOR THE TOLAND ROAD  
3           LANDFILL IN VENTURA COUNTY, AND A NEW MAJOR WASTE  
4           TIRE FACILITY PERMIT FOR THE UNITED TIRE RECYCLING  
5           COMPANY IN KERN COUNTY.

6                       IN ADDITION, ADOPTION OF THE  
7           NEGATIVE DECLARATION AND PROPOSED REGULATIONS FOR  
8           TRANSFER FACILITIES. THE COMMITTEE HEARD AN ITEM  
9           REGARDING PROPOSED AB 1220 REGULATIONS. THIS  
10          PACKAGE WILL NOW GO TO THE OFFICE OF  
11          ADMINISTRATIVE LAW TO BEGIN FORMAL COMMENT PERIOD.

12                      AND FINALLY, THE COMMITTEE HEARD AN  
13          ITEM REGARDING ALLOCATION OF AB 2136 DISPOSAL AND  
14          CODISPOSAL SITE CLEANUP PROGRAMS FUNDS FOR THE  
15          '96-'97 FISCAL YEAR. STAFF WAS DIRECTED TO WORK  
16          WITH COMMITTEE ADVISORS REGARDING SUCH ISSUES AS  
17          PRIORITIZATION OF PROPOSED SITES, PROCEDURE FOR  
18          COST RECOVERY, AND A VIABLE LOAN PROGRAM AND  
19          CONTRACT PROCEDURES. THOSE WILL BE ALL ITEMS THAT  
20          WE WILL BE HEARING ABOUT IN THE FUTURE.

21                      I MIGHT ADDITIONALLY INDICATE THAT  
22          OF THE TWO MAJOR LANDFILL ITEMS ON TODAY'S, THE  
23          PERMIT FOR CONTRA COSTA AND THE TOLAND ROAD  
24          VENTURA COUNTY, I VISITED BOTH DURING THE LAST FEW  
25          WEEKS.

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1                   CHAIRMAN PENNINGTON:   THANK YOU, MR.  
2                   FRAZEE.   MARKET DEVELOPMENT COMMITTEE DID NOT MEET  
3                   IN JULY.   AND THE POLICY RESEARCH TECHNICAL  
4                   ASSISTANCE COMMITTEE CHAIRED BY MR. RELIS.

5                   BOARD MEMBER RELIS:   YES.   MR. CHAIR,  
6                   JUST A POINT OF INFORMATION.   ON THE MARKET  
7                   DEVELOPMENT AREA, THOUGH WE DID NOT MEET THIS JULY  
8                   2D, ALL BOARD MEMBERS WERE IN THE CAPITOL AT A  
9                   PRESS CONFERENCE REGARDING THE ANNOUNCEMENT OF THE  
10                  SALE OF OUR LOANS TO AN ORGANIZATION IN THE  
11                  MID-WEST THAT WILL RESULT IN \$5 MILLION BEING  
12                  AVAILABLE FOR MAKING LOANS STATEWIDE.   THIS WAS A  
13                  FIRST-OF-ITS-KIND EFFORT BY THE STATE OF  
14                  CALIFORNIA, AND IT'S BEEN THREE YEARS IN THE  
15                  MAKING.   SO THAT HAS NOW CULMINATED, AND I THINK  
16                  THE CHECK IS NO LONGER IN THE MAIL.   IT SHOULD BE  
17                  IN OUR COFFERS RIGHT NOW.

18                  REGARDING THE POLICY RESEARCH AND  
19                  TECHNICAL ASSISTANCE COMMITTEE, WE HAVE ONE ITEM  
20                  TODAY, THE CONSIDERATION OF THE CONTRACT CONCEPT  
21                  FOR THE DESIGN, CONSTRUCTION, AND MONITORING OF  
22                  THE RICE STRAW BALE SOUND WALL.   THIS IS A  
PROJECT  
23                  WE'D UNDERTAKE WITH CALTRANS.   IT WAS FORWARDED  
TO

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24 THE BOARD ON CONSENT; HOWEVER, I'VE BEEN TOLD  
25 THERE'S A REQUEST TO SPEAK IN FAVOR OF THE

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1 CONTRACT. IF THAT IS STILL THE CASE, WE'LL HEAR  
2 THE ITEM TO ACCOMMODATE THAT REQUEST. THANK YOU.

3 CHAIRMAN PENNINGTON: THANK YOU, MR.  
4 RELIS. PHONE CALL WAS THE BANK WANTING TO KNOW  
5 WHERE THE CHECK WAS.

6 FINALLY, THE ADMIN COMMITTEE, WHICH  
7 I CHAIR, THE ADMINISTRATION COMMITTEE MET ON JULY  
8 9TH AND CONSIDERED ONE ITEM, THE AWARD OF ONE  
9 STUDENT ASSISTANT CONTRACT WITH THE CALIFORNIA  
10 COMMUNITY COLLEGE FOUNDATION FOR A TOTAL OF  
11 \$354,716. THIS ITEM IS ON THE CONSENT AGENDA.

12 NEXT WE'LL HEAR FROM THE EXECUTIVE  
13 DIRECTOR. MR. CHANDLER.

14 MR. CHANDLER: THANK YOU, MR. CHAIRMAN.  
15 AND GOOD MORNING, MEMBERS. I HAVE THREE ITEMS.  
16 I'LL BE BRIEF THIS MORNING.

17 I DO WANT TO GIVE YOU, FIRST OF ALL,  
18 AN UPDATE ON A MEETING THAT WAS CONVENED PRETTY  
19 MUCH AT THE REQUEST OF THE CITY OF SAN MARCOS.  
20 CITY MANAGER RICK GEDDINGS INDICATED THAT HE WOULD  
21 LIKE A MEETING WITH ALL THE RELEVANT STATE  
22 AGENCIES LOOKING AT THE ISSUES THAT THE CITY OF  
23 SAN MARCOS IS GRAPPLING WITH AS IT RELATED TO  
THE  
24 COUNTY'S OVERSIGHT OF THE SAN MARCOS LANDFILL  
25 FACILITY.

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1 I AGREED TO THAT MEETING, WHICH WE  
2 HELD IN THE CITY OF SAN DIEGO ON JULY 17TH.  
3 DEPUTY DIRECTOR WHITNEY, AS WELL AS DIANE THOMAS  
4 OF OUR FINANCIAL ASSURANCE SECTION ATTENDED AS  
5 WELL AS MYSELF. AND WE CONVENED ALL OF THE  
6 RELEVANT STATE AGENCIES, INCLUDING, AS I  
7 MENTIONED, BOARD STAFF, REGIONAL WATER QUALITY  
8 CONTROL BOARD STAFF, AS WELL AS THE LOCAL AIR  
9 POLLUTION CONTROL DISTRICT, THE LEA, OF COURSE,  
10 AND THE CITY OF SAN MARCOS.

11 THE PURPOSE OF THE MEETING, AGAIN,  
12 WAS PRIMARILY TO DETERMINE THE RESPECTIVE  
13 AGENCIES' RESPONSIBILITIES AS THEY RELATED TO A  
14 NUMBER OF ISSUES THAT THE CITY CONSIDERED  
15 OUTSTANDING.

16 FIRST OF ALL WAS OVERSIGHT OF THE  
17 FINANCIAL ASSURANCE MECHANISMS AND THE FUNDING  
18 LEVELS IN THOSE ACCOUNTS, ENFORCEMENT OF STATE  
19 MINIMUM STANDARDS, FINAL COVER DESIGN,  
20 REVEGETATION PLAN, MITIGATION AND MONITORING  
21 PROGRAM, AND THE SCHEDULE FOR ACCOMPLISHING  
22 VARIOUS TASKS UNDER THE PROGRAM, AND FINALLY  
23 ENFORCEMENT OF THE CUP REQUIREMENTS SET FORTH BY  
24 THE CITY OF SAN MARCOS AND AGREED TO BY THE  
COUNTY  
25 AND INCORPORATED INTO THE SOLID WASTE FACILITIES

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1 PERMIT.

2 ALL OF THESE ISSUES WERE DISCUSSED  
3 BY ALL PARTIES. I THINK IT WAS CONSIDERED A VERY  
4 GOOD MEETING TO GET A GOOD CLARIFICATION OF WHICH  
5 AGENCIES HAD WHICH RESPONSIBILITIES OVER THESE  
6 SUBJECT AREAS. AND THEN AT THE END OF THE DAY,  
7 THE CITY WAS PLEASED WITH THE MEETING AND  
8 APPRECIATED THE CONVERGENCE OF ALL OF THE VARIOUS  
9 STATE AND LOCAL AGENCIES TO PROVIDE CLARITY  
AROUND

10 THESE ISSUES THAT THEY'RE CONCERNED WITH RIGHT  
11 NOW. WE PLEDGED ANOTHER MEETING IF IT WAS DEEMED  
12 NECESSARY. AND I'LL KEEP YOU POSTED AS WE  
13 CONTINUE TO COMMUNICATE WITH BOTH THE CITY AND  
14 THE  
15 COUNTY ON THIS FACILITY.

16 BOARD MEMBER RELIS: BEFORE YOU LEAVE  
17 THAT, MR. CHAIRMAN, ARE WE SQUARED AWAY NOW WITH  
18 SAN DIEGO COUNTY RELEVANT TO THE CLOSURE FUND  
19 STATUS OF THEIR FUND?

20 MR. CHANDLER: YES, WE ARE, ALTHOUGH, AS  
21 YOU KNOW, WE WENT THROUGH CONSIDERABLE EFFORTS TO  
22 BRING THE CLOSURE ACCOUNT INTO COMPLIANCE WITH  
THE  
CLOSURE DATE OF MARCH 1997. SUBSEQUENT TO THAT,

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23 THE JUDGE DETERMINED THAT SHE HAD NOT RECEIVED

ALL

24 THE RELEVANT DOCUMENTATION AND ACTUALLY PUT ASIDE

25 HER DECISION TO MAKE THE '97 DATE. AND THAT'S

NOW

1 BEING RECONSIDERED.

2 SO, IN EFFECT, ONE COULD ARGUE THAT  
3 THE COUNTY IS A LITTLE BIT AHEAD OF THEIR  
4 ACCOUNTING AS MUCH AS THE YEAR 2,000 CLOSURE DATE  
5 WAS THE DATE THEY WERE WORKING TOWARD. I THINK  
6 ALL PARTIES ARE WAITING TO HAVE THAT DECISION  
7 REHEARD AND SEE IF WE'RE BACK TO '97. IF WE ARE,  
8 WE'RE IN GOOD SHAPE ON THE CLOSURE ACCOUNT IN ANY  
9 REGARD.

10 SECOND AREA I WANTED TO SPEAK TO  
11 BRIEFLY WAS THE PREVENT OR IMPAIR BILL WHICH WAS  
12 SIGNED BY THE GOVERNOR. GOVERNOR WILSON SIGNED  
13 AB 2009, AUTHORED BY ASSEMBLYMAN CORTESE, THAT  
14 REMOVES THE STATUTORY REQUIREMENTS FOR THE PREVENT  
15 OR IMPAIR FINDING ON BOARD PERMITS. THE BILL HAD  
16 AN URGENCY CLAUSE WHICH MAKES THAT TAKE EFFECT  
17 IMMEDIATELY.

18 GIVEN THE RECENT NATURE OF THIS  
19 DECISION, THE BOARD ITEMS BEFORE YOU TODAY AND FOR  
20 THE NEXT P&E COMMITTEE MEETING WILL STILL HAVE A  
21 PREVENT OR IMPAIR FINDING IN THEM; HOWEVER, GIVEN  
22 THIS RECENT CHANGE IN LAW, THIS ELEMENT IS NO  
23 LONGER A REQUIRED CONSIDERATION BY THE BOARD.

24 THIRDLY, I WANTED TO SPEAK TO AN  
25 ITEM I INDICATED AT THE P&E COMMITTEE MEETING  
THAT

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1 I WOULD BRING BACK A LITTLE BIT MORE INFORMATION  
2 TO THE BOARD. AS YOU KNOW, ITEM NO. 9 IS ON YOUR  
3 CONSENT AGENDA. IT CONCERNS THE BOARD'S WASTE  
4 TIRE STABILIZATION ABATEMENT PROGRAM APPROVED BY  
5 THE BOARD BACK IN 1994. AND AS YOU RECALL, THE  
6 BOARD CAN USE TIRE FUND DOLLARS FOR CLEANUP,  
7 ABATEMENT, AND REMEDIATION WORK FOR SITES -- FOR  
8 WASTE TIRE SITES WHERE RESPONSIBLE PARTIES FAILED  
9 TO ACT ON BOARD ORDERS.

10 THREE SITES FOR CLEANUP WERE HEARD  
11 AT THE JULY P&E COMMITTEE MEETING. ONE SITE WAS  
12 THE BRACKETT WASTE TIRE SITE IN SAN LUIS OBISPO  
13 WHERE WE HAVE AN ESTIMATED COST OF BETWEEN 50,000  
14 AND \$75,000 FOR SOME STABILIZATION WORK THERE.

15 QUESTIONS WERE RAISED AT THE  
16 COMMITTEE MEETING AS TO WHETHER TIRES FROM THIS  
17 SITE WERE PART OF THE CHICAGO GRADE LANDFILL GRANT  
18 PROPOSAL AND WHETHER THIS ACTION WOULD CONFLICT  
19 WITH THE GRANT PROPOSAL. AS YOU KNOW, THE OWNER  
20 OF THE PROPERTY HAS FILED FOR PERSONAL BANKRUPTCY.  
21 THE PROPERTY IS HELD BY A CORPORATION WHICH THE  
22 BRACKETTS ARE OFFICERS.

23 THE BOARD EXPECTS A CORRECTIVE  
24 ACTION PLAN FOR THE BRACKETT TIRE PILE BY AUGUST  
25 31ST. THE VARIOUS PARTIES HAVE BEEN CONTACTED,

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1           AND THEY ARE LOOKING AT A PLAN TO INVOLVE THE  
2           CHICAGO GRADE AND THE SHREDDER, WHICH WAS PART OF  
3           THE GRANT SUBMITTED BY SAN LUIS OBISPO COUNTY.

4                       SO IN SUMMARY, THE COUNTY IS WORKING  
5           WITH CHICAGO GRADE THROUGH THEIR GRANT AND, OF  
6           COURSE, WILL BE LOOKING AT THE CLOSURE PLAN AT THE  
7           END OF NEXT MONTH TO SEE HOW THEY'RE GOING TO  
8           EFFECTIVELY BEGIN MOVING THAT CLOSURE PLAN  
9           FORWARD.   AND THAT WILL BE ON AUGUST 31ST.   I'LL  
10          BE BRINGING BACK MORE INFORMATION TO YOU AS WE  
11          LEARN MORE ABOUT THE BRACKETTS' PLAN ON THAT  
12          FACILITY.

13                      I'D LIKE TO CONCLUDE BY TAKING THIS  
14          OPPORTUNITY TO ACKNOWLEDGE ONE OF OUR DEPUTY  
15          DIRECTORS THAT WILL BE LEAVING THE BOARD IN A  
16          COUPLE OF WEEKS.   THAT, OF COURSE, IS MR. CLINT  
17          WHITNEY.   CLINT WILL BE RETURNING TO, AS I  
18          UNDERSTAND IT, VENTURA COUNTY TO RESUME HIS  
19          CONSULTING CAREER.   I WANT TO JUST ACKNOWLEDGE  
20          CLINT FOR A NUMBER OF ISSUES.

21                      FIRST OF ALL, HE WAS THE EMBODIMENT  
22          OF THE TEAM PLAYER.   I ASKED CLINT TO DO A NUMBER  
23          OF THINGS, STARTING FIRST WITH LAUNCHING AN  
24          ORGANICS RECYCLING PROJECT, WHICH WE NOW HAVE  
25          UNDER WAY.   AS YOU KNOW, HE STEPPED INTO THE

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1           ACTING DEPUTY DIRECTOR OF THE P&E DIVISION FOR THE  
2           LAST SEVERAL MONTHS.

3                       CLINT, I KNOW I SPEAK FOR THE ENTIRE  
4           EXECUTIVE STAFF AND BOARD STAFF IN THANKING YOU  
5           FOR YOUR TENURE HERE AND BEST OF LUCK TO YOU IN  
6           THE FUTURE.

7                       (APPLAUSE.)

8                       MR. CHANDLER:    THAT CONCLUDES MY REMARKS.

9                       CHAIRMAN PENNINGTON:    THANK YOU, MR.  
10          CHANDLER.   AND, YES, INDEED WE WILL MISS YOU,  
11          CLINT.

12                      OKAY.   CONSIDERATION OF THE CONSENT  
13          AGENDA ITEMS.   THE CONSENT AGENDA INCLUDES ITEMS 5  
14          THROUGH 11, 18 E, 19 THROUGH 32, AND 34.   TO  
15          ACCOMMODATE A REQUEST FROM A MEMBER OF THE PUBLIC  
16          TO TESTIFY ON ITEM 6, I'D LIKE TO PULL IT FROM THE  
17          CONSENT AGENDA.

18                      IS THERE ANY OTHER ITEM THAT ANY  
19          BOARD MEMBER WOULD LIKE TO PULL FROM THE CONSENT?

20                      BOARD MEMBER CHESBRO:    I'M NOT GOING TO  
21          PULL ANY, BUT WHILE I WAS DOING MY COMMITTEE  
22          REPORT AND ALSO WHILE I WAS BRAGGING ABOUT THE  
23          NORTH COAST, I FAILED TO NOTE THAT THREE SMALL  
24          CITIES, ONE OF WHICH I RESIDE IN, ARE GETTING  
25          THEIR SRRE'S APPROVED FROM HUMBOLDT COUNTY  
TODAY,

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1 TRINIDAD, BLUE LAKE, AND ARCATA ON THAT CONSENT  
2 AGENDA. I DIDN'T WANT IT TO PASS WITHOUT NOTING  
3 IT.

4 CHAIRMAN PENNINGTON: ABSOLUTELY. OKAY.

5 BOARD MEMBER FRAZEE: MOVE ADOPTION OF  
6 CONSENT CALENDAR.

7 BOARD MEMBER GOTCH: I'LL SECOND.

8 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND  
9 SECONDED. WILL THE SECRETARY CALL THE ROLL.

10 BOARD SECRETARY: BOARD MEMBER CHESBRO.

11 BOARD MEMBER CHESBRO: AYE.

12 BOARD SECRETARY: FRAZEE.

13 BOARD MEMBER FRAZEE: AYE.

14 BOARD SECRETARY: GOTCH.

15 BOARD BOARD MEMBER GOTCH: AYE.

16 BOARD SECRETARY: RELIS.

17 BOARD BOARD MEMBER RELIS: AYE.

18 BOARD SECRETARY: CHAIRMAN PENNINGTON.

19 CHAIRMAN PENNINGTON: AYE. MOTION  
20 CARRIES.

21 ITEM NO. 6 IS NEXT, CONSIDERATION OF  
22 CONTRACT CONCEPT FOR DESIGN, CONSTRUCTION, AND  
23 MONITORING OF RICE STRAW BALE SOUND WALL. CAREN  
24 TRGOVCICH, PLEASE, WILL GIVE THE STAFF REPORT.

25 MS. TRGOVCICH: GOOD MORNING, MR.

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1 CHAIRMAN AND MEMBERS. I'M CAREN TRGOVCICH, DEPUTY  
2 DIRECTOR OF THE WASTE PREVENTION AND MARKET  
3 DEVELOPMENT DIVISION. I'LL GIVE YOU A VERY BRIEF  
4 SUMMARY OF THIS ITEM. IT IS CONSIDERATION OF A  
5 CONTRACT CONCEPT FOR THE DESIGN, CONSTRUCTION, AND  
6 MONITORING OF A RICE STRAW BALE SOUND WALL.

7 AS YOU REMEMBER FROM OUR COMMITTEE  
8 DISCUSSION, CALTRANS HAS ENTERED INTO AN  
9 INTERAGENCY AGREEMENT WITH THE BOARD TO SUPPORT A  
10 \$30,000 CONTRACT WHICH WOULD INCLUDE BOTH THE  
11 CONSTRUCTION OF A RICE STRAW SOUND WALL AS WELL AS  
12 A TWO-YEAR MONITORING PROGRAM TO EVALUATE WHETHER  
13 OR NOT IT CAN FULFILL THE SPECIFICATION  
14 REQUIREMENTS THAT CALTRANS EMPLOYS FOR THE  
15 CONSTRUCTION OF SOUND WALLS.

16 AS BOARD MEMBER RELIS STATED, THIS  
17 ITEM IS PULLED FROM THE CONSENT CALENDAR BECAUSE  
18 THERE WAS A MEMBER OF THE PUBLIC THAT WANTED TO  
19 SPEAK IN SUPPORT OF THIS ITEM. SO IF THERE ARE NO  
20 FURTHER QUESTIONS, I'LL CONCLUDE MY PRESENTATION.

21 CHAIRMAN PENNINGTON: OKAY. ANY  
22 QUESTIONS OF MS. TRGOVCICH? OKAY. WE HAVE MR.  
23 NOEL ROLLINS WHO WOULD LIKE TO ADDRESS THE

BOARD

24 CONCERNING THIS ITEM.

25 MR. ROLLINS: MY NAME IS NOEL

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EMERSON

1           ROLLINS, AND I'M A MEMBER OF THE ASSOCIATE --  
2           ASSOCIATE MEMBER OF THE AMERICAN INSTITUTE OF  
3           ARCHITECTS, AS WELL AS THE DESIGN BUILDER. AND  
4           I'M HERE WITH MY COLLEAGUE WHO HAS OVER THE PAST  
5           EIGHT MONTHS PARTICIPATED IN CONSTRUCTING STRAW  
6           BALE STRUCTURES THROUGHOUT NORTHERN CALIFORNIA,  
7           PURSUING THE IDEA, TO AID BOARD OF SUPERVISOR  
8           MEETINGS, AND ALL SUCH. AND I JUST WANTED TO GIVE  
9           AN OPPORTUNITY OF A POSITIVE NATURE FROM THE  
10          PUBLIC'S POINT OF VIEW THAT THIS IS AN IMPORTANT  
11          THING. AS I'M SURE WE ALL AGREE, THIS IS  
12          SOMETHING THAT COULD REALLY HELP EVERYONE OUT.

13                       THE IDEA IS THAT WHEN YOU SEE A BALE  
14          OF STRAW GOING TO THE LANDFILL, IT'S REALLY GOING  
15          TO FABRICATE SOUND WALLS ALONG FREEWAYS. THAT'S  
16          DEFINITELY A GOOD THING.

17                       JUST A LITTLE BIT OF A BACKGROUND.  
18          I WILL BE BRIEF. TYPICAL WORKING WITH JOHN HAYES  
19          AT CALTRANS, HE WAS THE CONTACT WHO REALLY SORT OF  
20          PURSUED THIS EFFORT WITHIN CALTRANS. SOME SIMPLE  
21          FACTS: CONCRETE BLOCK WALLS TYPICALLY COST AROUND  
22          \$11.50 A SQUARE FOOT; WHEREAS, WE ARE DOING --  
23          WITHIN THE STRAW BALE COMMUNITY, WE'RE GETTING  
24          SOMETIMES \$6.50, SO THAT'S DEFINITELY A

POSITIVE

25          FOR EVERYBODY.

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1                   SECONDLY, THERE'S A NEW BILL, AB  
2                   3345, GOING THROUGH THE STATE SENATE THAT WILL  
3                   ALLOW TAX CREDITS FOR ANYBODY USING OR GROWING  
4                   RICE STRAW IN THE STATE OF CALIFORNIA. THIS IS  
5                   GOING TO AFFECT, I GUESS, CALTRANS AND WASTE  
6                   MANAGEMENT FOR TAX CREDIT FROM THE STATE.

7                   BUT, IN EFFECT, I JUST WANTED TO SAY  
8                   THANK YOU. THIS IS AN IMPORTANT STEP. ON YOUR  
9                   WAY OUT OF UKIAH, YOU CAN GO SOUTH TO HOPLAND AND  
10                  VISIT THE REAL GOODS TRADING CENTER. THAT'S A  
11                  STRAW BALE BUILDING RIGHT HERE IN MENDOCINO COUNTY  
12                  THAT THE PUBLIC CAN WALK RIGHT IN AND TAKE A LOOK  
13                  AT IT, AND EVENTUALLY WE'LL SEE ALONG THE ROADS.  
14                  THANK YOU.

15                 CHAIRMAN PENNINGTON: THANK YOU, MR.  
16                 ROLLINS.

17                 BOARD BOARD MEMBER GOTCH: MR. CHAIR.

18                 CHAIRMAN PENNINGTON: YES, MS. GOTCH.

19                 BOARD BOARD MEMBER GOTCH: I'D ALSO LIKE  
20                 TO REMIND THE STAFF OF MY DIRECTION IN POLICY  
21                 COMMITTEE TO, GIVEN THE INTEREST OF ASSEMBLYMAN  
22                 BUSTAMONTE AND SENATOR SHER IN THIS AREA, THAT WE  
23                 SEND THEM A LETTER INFORMING THEM OF THIS  
24                 CONTRACT.

25                 MS. TRGOVCICH: I BELIEVE BOTH OF THOSE

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1           LETTERS WERE SENT A WEEK AGO.

2                   BOARD BOARD MEMBER GOTCH:   THANKS VERY  
3           MUCH.

4                   CHAIRMAN PENNINGTON:   THANK YOU.   I'LL  
5           ENTERTAIN A MOTION.

6                   BOARD MEMBER CHESBRO:   SECOND.

7                   CHAIRMAN PENNINGTON:   WE TOOK IT OFF  
8           CONSENT.   MR. RELIS MOVED AND MR. CHESBRO  
9           SECONDED.   BEING NO FURTHER DISCUSSION, SECRETARY  
10          CALL THE ROLL, PLEASE.

11                   BOARD SECRETARY:   BOARD MEMBER CHESBRO.

12                   BOARD MEMBER CHESBRO:   AYE.

13                   BOARD SECRETARY:   FRAZEE.

14                   BOARD MEMBER FRAZEE:   AYE.

15                   BOARD SECRETARY:   GOTCH.

16                   BOARD BOARD MEMBER GOTCH:   AYE.

17                   BOARD SECRETARY:   RELIS.

18                   BOARD BOARD MEMBER RELIS:   AYE.

19                   BOARD SECRETARY:   CHAIRMAN PENNINGTON.

20                   CHAIRMAN PENNINGTON:   AYE.

21                   BOARD MEMBER RELIS:   MR. CHAIR, I'D ALSO

22           LIKE TO JUST ACKNOWLEDGE THE PROMOTION OF MS.

23           TRGOVCICH TO HER NEW DEPUTY DIRECTOR POSITION AND

24           LOOK FORWARD TO WORKING WITH HER ON THE MARKET  
25           ISSUES.

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1                   CHAIRMAN PENNINGTON:   YES, INDEED.  
2                   CONGRATULATIONS.

3                   OKAY.   ITEM NO. 12, CONSIDERATION OF  
4                   THE ISSUANCE OF A NEW MAJOR WASTE TIRE FACILITY  
5                   PERMIT FOR UNITED TIRE RECYCLING CORPORATION.  
6                   STAFF, CLINT WHITNEY, GARTH ADAMS.

7                   MS. REHBERG:   GOOD MORNING.

8                   CHAIRMAN PENNINGTON:   GOOD MORNING.

9                   MS. REHBERG:   MY NAME IS GALE REHBERG.  
10                  I'M WITH THE PERMITS BRANCH.   THIS ITEM REGARDS  
11                  THE ISSUANCE OF A MAJOR WASTE TIRE FACILITY PERMIT  
12                  TO AUTHORIZE UNITED TIRE RECYCLING CORPORATION TO  
13                  RECEIVE AND STORE WASTE TIRES AT THE PROPOSED  
14                  CALIFORNIA CITY FACILITY.   UTR IS PROPOSING TO  
15                  BUILD A PYROLYSIS PROCESSING PLANT IN AN  
16                  UNDEVELOPED AREA OF CALIFORNIA CITY WITHIN KERN  
17                  COUNTY.   APPROXIMATELY 20 ACRES WILL BE FENCED FOR  
18                  THE PLANT.   THE BOARD WILL REGULATE THE STORAGE OF  
19                  WASTE TIRES ON SITE THERE.

20                  THE PYROLYSIS PROCESSING PLANT WILL  
21                  RECEIVE WASTE TIRES AND CONVERT THE TIRES INTO  
22                  CARBON BLACK, PYROLYPTIC OIL, AND SCRAP STEEL.  
23                  WASTE TIRES WILL BE RECEIVED BY THE FACILITY FIVE  
24                  DAYS A WEEK DURING NORMAL WORKING HOURS.   THE  
25                  MAJORITY OF THE TIRES RECEIVED ON SITE WILL BE

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1 TIRE SHREDS WITH AN ESTIMATED DIAMETER OF NO  
2 LARGER THAN 5 INCHES. THE REMAINING WILL BE WHOLE  
3 TIRES AND WILL BE SHRED WITHIN THREE DAYS OF  
4 RECEIPT.

5 UTR PROPOSES TO PROCESS  
6 APPROXIMATELY FIVE TO SIX MILLION WASTE TIRES EACH  
7 YEAR. THE TOTAL TONNAGE ON SITE WILL BE 10,600  
8 TONS OF WASTE TIRES AND WASTE TIRE EQUIVALENTS. A  
9 MAXIMUM OF 70 TONS MAY BE WHOLE PASSENGER/LIGHT  
10 TRUCK TIRES.

11 THE BOARD'S REGULATIONS ADDRESS THE  
12 TECHNICAL STANDARDS FOR THE STORAGE OF WASTE TIRES  
13 PERTAINING TO THE SIZE OF THE PILES, THE DISTANCE  
14 BETWEEN THE PILES, THE MANDATORY FIRE SUPPRESSION  
15 EQUIPMENT, AND SUPPLY OF THE WATER. THE  
16 REGULATIONS ALSO ALLOW FOR A VARIANCE TO THE  
17 STANDARDS IF APPROVED BY THE LOCAL FIRE  
18 DEPARTMENT. THE UNITED TIRE HAS ENTERED INTO AN  
19 AGREEMENT WITH THE CALIFORNIA CITY FIRE DEPARTMENT  
20 FOR A FIRE PROTECTION PLAN.

21 THE PLAN ALLOWS FOR LARGER PILE  
22 SIZES THAN STATED BY THE BOARD'S REGULATIONS. THE  
23 PLAN ALSO PROVIDES FOR COMPLIANCE WITH CODES AND  
24 STANDARDS, PERSONNEL TRAINING, FIRE DETECTION,  
25 ALARMS, FIRE FIGHTING, WATER SUPPLY, PUMPS, FOAM,

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1           HYDRANTS, FIRE MONITORS, PORTABLE FIRE  
2           EXTINGUISHERS, AND A WATER RETENTION POND.

3                       IN ACCORDANCE WITH THE REGULATIONS,  
4           ANY REQUIREMENT APPROVED BY THE LOCAL FIRE  
5           DEPARTMENT SHALL BE SUBJECT TO BOARD CONCURRENCE.  
6           THE COUNTY OF KERN AND THE FIRE MARSHAL WERE BOTH  
7           CONSULTED REGARDING THIS FIRE PROTECTION PLAN.

8                       THE KERN COUNTY ENVIRONMENTAL HEALTH  
9           DEVELOPED A VECTOR CONTROL PLAN FOR THAT SITE.  
10          THERE IS PERIMETER FENCING, LOCKED GATES, AN  
11          ATTENDANT ON SITE, AND TWO ACCESS ROADS FOR  
12          EMERGENCY VEHICLES.

13                      STAFF HAS REVIEWED THE APPLICATION  
14          AND CONDUCTED A PREPERMIT INSPECTION. THE CEQA  
15          PROCESS HAS BEEN COMPLIED WITH BY THE APPLICANT.

16                      UTR HAS SUBMITTED AN ACCEPTABLE  
17          CLOSURE PLAN AND HAS SUBMITTED A FULLY FUNDED  
18          CERTIFICATE OF INSURANCE FOR CLOSURE IN THE  
19          AMOUNT

20          OF \$660,086. IN ADDITION, A FULLY FUNDED  
21          CERTIFICATE OF INSURANCE FOR OPERATING  
22          LIABILITY

23          IN THE AMOUNT OF \$1 MILLION HAS BEEN PROVIDED  
24          ALSO.

25                      THE DESIGN AND OPERATION FOR UTR

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HAS

24 BEEN DETERMINED TO COMPLY WITH THE BOARD'S

WASTE

25 TIRE STORAGE AND DISPOSAL STANDARDS. STAFF

1           RECOMMENDS THE ISSUANCE OF A MAJOR WASTE TIRE  
2           FACILITY PERMIT 15-TI-0571.

3                       THE APPLICANT IS PRESENT AND HAS  
4           REQUESTED AN OPPORTUNITY TO SPEAK TO THE BOARD  
5           REGARDING THIS ITEM. STAFF IS HAPPY TO ANSWER ANY  
6           QUESTIONS YOU HAVE.

7                       CHAIRMAN PENNINGTON: ANY QUESTIONS OF  
8           STAFF BEFORE WE HEAR FROM MR. NORRIS AND MR. WEST?

9                       BOARD MEMBER GOTCH: YES. I HAVE A QUICK  
10          QUESTION FOR STAFF. THAT'S ASSUMING THAT THE  
11          PERMIT GOES THROUGH TODAY, ONCE THIS FACILITY IS  
12          ON LINE UNDER NORMAL CIRCUMSTANCES, HOW FREQUENTLY  
13          WOULD BOARD STAFF DO COMPLIANCE INSPECTIONS?

14                      MS. REHBERG: THE REGULATIONS REQUIRE THE  
15          BOARD TO INSPECT THE FACILITY AT LEAST ONCE A  
16          YEAR. THE FIRE DEPARTMENT INTENDS TO INSPECT  
17          QUARTERLY.

18                      BOARD MEMBER GOTCH: THANK YOU.

19                      CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS  
20          OF STAFF? THEN WE'LL HEAR FROM MR. RICHARD NORRIS  
21          AND MR. STEVE WEST.

22                      MR. NORRIS: MR. CHAIRMAN, MEMBERS OF THE  
23          WASTE MANAGEMENT BOARD, I'M RICK NORRIS. I'M THE  
24          EXECUTIVE VICE PRESIDENT OF UNITED TIRE RECYCLING  
25          CORPORATION AND ALSO ONE OF THE PRINCIPALS IN THE

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1 COMPANY.

2 THE -- I'D LIKE TO LEAD OFF WITH --  
3 I WAS GOING TO BRING A SLIDE OF WASTE TIRES, BUT I  
4 THINK EVERYBODY IN THE STATE OF CALIFORNIA IS SICK  
5 OF LOOKING AT THOSE THINGS, SO WE'RE GOING TO DO  
6 OUR PART IN TRYING TO SOLVE PART OF THE  
7 ENVIRONMENTAL SOLUTION. MIGHT EVEN BE ABLE TO GO  
8 BACK AND REVIEW THAT SLIDE FROM MENDOCINO COUNTY  
9 IF 6,000 TIRES WERE PUT IN THE LANDFILL.

10 I'D LIKE TO TAKE A MINUTE BEFORE I  
11 GO INTO A BRIEF SYNOPSIS OF THE PROJECT AND  
12 COMMEND THE STAFF. THIS PROJECT HAS BEEN VERY  
13 DIFFICULT FROM THE VERY BEGINNING BECAUSE IT'S  
14 BRAND NEW. IT'S ADDRESSING ISSUES THAT HAVE  
NEVER

15 BEEN ADDRESSED BEFORE, AND THE STAFF, IN RAISING  
16 SOME OF THOSE ISSUES, HAVE PROVIDED US THE  
17 OPPORTUNITY TO SIT DOWN AND DISCUSS AND BE ABLE  
TO  
18 SOLVE THOSE. AND WE'RE IN ACCEPTANCE OF THE  
19 CONDITIONS THAT THEY'VE SET OUT AS PART OF MAKING  
20 THIS A VIABLE PROJECT.

21 THE UNITED TIRE RECYCLING  
22 CORPORATION, THE FACILITY IS TO BE BUILT ON A  
23 102-ACRE SITE IN CALIFORNIA CITY, WHICH IS ON THE

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24 EAST SIDE OF THE TEHACHAPI MOUNTAINS. IT'S  
25 LOCATED ON A PARCEL THAT'S A 102 ACRES OF WHICH

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1 WE'LL BE USING 40 ACRES FOR THE FACILITY. THE --  
2 IT HAS EASY ACCESS ALONG THE NORTH PORTION OF THE  
3 PROPERTY TO CAL CITY BOULEVARD WITH ACCESS TO  
4 HIGHWAY 14 AND HIGHWAY 58 ALONG WITH RAILROAD  
5 ACCESS. AS YOU CAN SEE, IT RUNS DOWN THE EASTERN  
6 SIDE OF THE PROPERTY.

7 SECURITY WILL BE PROVIDED BY THE  
8 SECURITY FENCING, GATED ACCESS, AND 24-HOUR  
9 OPERATION. THE PLANT WILL BE SITUATED ON THE  
10 SOUTH HALF OF THE 102 AND WILL BE SERVED BY A NEW  
11 ROAD ON THE WEST END OF THE PROPERTY. IT'S TO BE  
12 SURROUNDED BY A 200 FOOT WIDE TREE GREENBELT.  
13 THIS SERVES TWO PURPOSES. ONE FOR AESTHETIC. IT  
14 WILL HIDE THE FACILITY AS THE TREES BECOME FULL  
15 GROWN. AND IT ALSO SERVES AS A SOUND ABATEMENT  
16 PROGRAM FOR THE COMMUNITY, ALTHOUGH THE CLOSEST  
17 RESIDENT IS A MILE AWAY AND THE CITY IS LOCATED  
18 SEVEN MILES AWAY FROM THE SITE.

19 RALPH M. PARSONS ENGINEERING  
20 COMPANY, WHICH IS NOW KNOWN AS PARSONS  
21 INFRASTRUCTURE AND TECHNOLOGY GROUP, HAS CONDUCTED  
22 AN EXTENSIVE EVALUATION OF THE TECHNOLOGY FOR THE  
23 PROCESSING OF WASTE TIRES AND SCRUTINIZED ALL  
24 AVAILABLE RESEARCH INFORMATION, INCLUDING  
25 INFORMATION THAT WAS SUPPLIED BY THE INDUSTRY,

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1           EQUIPMENT SUPPLIERS, THE STATE OF CALIFORNIA  
2           INTEGRATED WASTE MANAGEMENT BOARD, AND THE  
3           CONTACTS WITHIN THE WASTE TIRE INDUSTRY.

4                       BASED UPON SUCH EVALUATION, PARSONS  
5           ADVISES US THAT THE PROPOSED PYROLYSIS TECHNOLOGY  
6           IS THE BEST SOLUTION FOR PROCESSING THE 30 MILLION  
7           WASTE TIRES THAT ARE GENERATED EACH YEAR IN THE  
8           STATE OF CALIFORNIA.  ALTHOUGH WHEN PARSONS  
9           ORIGINALLY TOOK ON THIS PROJECT -- AND FOR THOSE  
10          THAT ARE NOT FAMILIAR WITH PARSONS, IT'S DEEMED TO  
11          BE THE NO. 1 IN THE WORLD, NO. 1 DOMESTICALLY.  I  
12          THINK THEY MIGHT BE NO. 2 IN THE WORLD NOW SINCE  
13          1996 OR SINCE THE SURVEY CAME OUT IN 1995.  WHEN  
14          THEY FIRST DID THIS PROJECT, WE HAD THEM DO THE  
15          RESEARCH AND THE EVALUATION ON A HUNDRED TONS PER  
16          DAY.  THEY QUICKLY TURNED AROUND AND SHOWED IT'S  
17          NOT VIABLE AT LESS THAN A HUNDRED FIFTY TONS PER  
18          DAY, WHICH IS WHAT OUR START-UP PROPOSAL INCURS,  
19          ALTHOUGH WE'RE ASKING FOR A PERMIT TO GO TO 200  
20          TONS A DAY, WHICH WILL PROCESS APPROXIMATELY SIX  
21          MILLION TIRES PER YEAR.

22                      PYROLYSIS IS A PROVEN PROCESS FOR  
23          CONVERTING WASTE ORGANIC MATTER, WHICH INCLUDES  
24          TIRE RUBBER, INTO MARKETABLE BY-PRODUCTS.  THE  
25          UNITS THAT MAKE UP THE PROPOSED PLANT ARE ALL  
WELL

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1           PROVEN IN INDUSTRIAL USE AND INCLUDES SOLIDS  
2           HANDLING EQUIPMENT IN TUBULAR FURNACES THAT ARE  
3           SIMILAR TO THOSE THAT ARE USED IN THE MINING  
4           INDUSTRY.

5                       THE FULL PLANT WILL INCLUDE THREE  
6           WASTE TIRE STOCKPILES AND FEED STORAGE, A  
7           SHREDDING SYSTEM FOR REDUCING WHOLE TIRES TO TIRE  
8           CHIPS, REPRESENTING A 2-INCH SHRED OR SMALLER, A  
9           CONVEYOR TRANSPORT SYSTEM TO CONTINUALLY FEED THE  
10          PYROLYSIS REACTORS, A GAS COOLING AND CONDENSATION  
11          SYSTEM, AN EMERGENCY FLARE SYSTEM TO ACT AS A  
12          BACKUP SAFETY SYSTEM ONLY.   OUTPUT FROM THE PLANT  
13          WILL BE MARKETABLE BY-PRODUCTS AND A SMALL SOLID  
14          WASTESTREAM, WHICH AMOUNTS TO ABOUT A HUNDRED  
15          POUNDS PER TON, AND THAT CAN BE SENT TO A CLASS E  
16          LANDFILL.   IT'S MORE LIKE AUTOMOBILE POLYESTER  
17          TIRE CORDS, ETC.

18                      THE OPERATION WILL ALSO INCLUDE A  
19          REFINING SYSTEM TO UPGRADE BY PURIFICATION THE  
20          CARBON BLACK THAT EXITS THE PYROLYSIS FURNACE  
21          UNIT.   AS GALE MENTIONED, THE FOUR BY-PRODUCTS  
22          THAT ARE CREATED FROM THE MELTING, IT'S NOT A  
23          BURNING PROCESS, A MELTING PROCESS FROM THE  
24          PYROLYSIS FURNACES IS THE STEEL, A PYROLYSIS GAS,  
25          THE CARBON BLACK, AND THE DIESEL OIL OR COMES OUT

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1 AS NO. 4 OIL AND IS REREFINED INTO A NO. 2.

2 THE SCRAP STEEL WILL BEGIN A NEW  
3 LIFE IN SOME OTHER FORM, EITHER AS A NEW TIRE OR  
4 STEEL WITHIN THE STEEL INDUSTRY. IT WILL BE SENT  
5 TO THE FURNACES WHERE IT WILL BE MELTED DOWN AND  
6 RECYCLED. THE CARBON BLACK WILL BE BAGGED AS IT'S  
7 PROCESSED, AND IT WILL BE SHIPPED OUT OF STATE  
8 UNDER THE EXISTING CONTRACTS, FROM CONTRACTS THAT  
9 WE'RE ABOUT TO PUT IN PLACE WITH THE ISSUANCE OF  
10 THE PERMIT.

11 THE METHANE GAS OR THE PYROLYSIS GAS  
12 THAT'S GENERATED WILL NOW POWER A GAS TURBINE  
13 PLANT, WHICH WILL IN TURN POWER THE -- OUR  
14 OPERATION, OUR FACILITY, AND THE SURROUNDING  
15 INDUSTRIAL PLANTS THAT WE HOPE TO BE ABLE TO BRING  
16 ON SITE AND BE ABLE TO USE SOME OF THE POWER IN  
17 SOME OF THE PROCESS THAT WE USE.

18 BART, IF YOU WOULD CHANGE THE SLIDE,  
19 PLEASE. SO WE GAVE YOU A LITTLE BIT OF AN IDEA OF  
20 WHAT THE FACILITY LOOKS LIKE. I RECOGNIZE THAT  
21 IT'S KIND OF SMALL. WHERE THE TIRES ARE GOING TO  
22 COME FROM -- I THINK, BART, YOU MISSED A SLIDE.  
23 WHERE THE TIRES COME FROM, WE'RE ESTIMATING THAT  
24 MOST OF THE TIRES WILL COME FROM KERN COUNTY.

THE

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25                    REMAINING 90 PERCENT OF THE WASTE TIRES WILL  
COME

1 FROM THE VENTURA, LOS ANGELES, ORANGE, SAN  
2 BERNARDINO, AND SAN DIEGO COUNTIES, MOSTLY FROM  
3 SOUTHERN CALIFORNIA, AND WE'LL BE LOOKING AT THE  
4 POSSIBILITY, ONCE THIS PLAN IS UP AND OPERATIONAL,  
5 THAT THERE WILL BE AN INITIAL FUTURE EXPANSION OF  
6 THE FACILITIES.

7 THE NUMBER OF TIRES IN THE PROCESS,  
8 AGAIN, WE START -- PLANNING TO START OUT AT 150  
9 TONS AND GO TO FULL CAPACITY, WHICH IS 200 TONS  
10 PER DAY. THE -- AS GALE SAID, IN OUR PERMIT WE'VE  
11 ASKED FOR 280 TONS PER DAY DELIVERY, FIVE DAYS A  
12 WEEK, AND THAT'S BECAUSE THERE WON'T BE ANY  
13 DELIVERIES ON SATURDAY OR SUNDAY, AND 80 TONS PER  
14 DAY WILL BRING IN THE AMOUNT SUFFICIENT TO  
15 CONTINUE THE OPERATION OVER THE WEEKEND.

16 SHE ALSO SAID THAT WE ARE ONLY  
17 ASKING TO BE PERMITTED FOR 70 TONS OF WHOLE TIRES  
18 PER DAY. THE WHOLE BASIS FOR OUR PLANT IS THAT WE  
19 PLAN TO ACCEPT TIRES FROM THE LOCAL COMMUNITY TO  
20 BE ABLE TO CLEAN UP THE LOCAL COMMUNITIES IN THE  
21 SURROUNDING AREA, TAKE THEM OUT OF SOME OF THE  
22 RAVINES WHERE PEOPLE HAVE DUMPED WASTE TIRES, JUST  
23 LIKE THEY HAVE IN MENDOCINO COUNTY, AND THEN WE'RE  
24 GOING TO REDUCE IT TO IMMEDIATELY OR WITHIN 72  
25 HOURS TO A 5-INCH SHRED, AND THEN EVENTUALLY INTO

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1           A 2-INCH SHRED, WHICH IS WHAT WE USE FOR THE  
2           PROCESS.

3                         THE WASTE TIRE PILE, WE HAD  
4           NEGOTIATIONS WITH THE INTEGRATED WASTE MANAGEMENT  
5           BOARD STAFF. THAT'S WHAT THE PILE WILL LOOK LIKE.  
6           THE EQUIVALENT, WE'RE ASKING FOR A PERMIT TO STORE  
7           10,600 TONS, WHICH REPRESENTS ABOUT A 30-DAY  
8           SUPPLY OF FULL PRODUCTION.

9                         ONE OF THE UNIQUE CHARACTERISTICS OF  
10          THIS PLANT IN THAT IT'S A STATE-OF-THE-ART  
11          FACILITY. IT'S A CLOSED-LOOP SYSTEM, CERTIFIED  
12          EMISSIONS LESS THAN A FAST FOOD RESTAURANT. THE  
13          FIRE PROTECTION PLAN WE PUT IN PLACE IS ABSOLUTELY  
14          STATE OF THE ART. NEVER BEEN DONE BEFORE. WE'VE  
15          INCLUDED WATER SUPPLY, THREE HOURS AT 2500 GALLONS  
16          PER MINUTE WITH 1 PERCENT FOAM. WE HAVE -- THE  
17          PLAN HAS LINES RUNNING SURROUNDING THE TIRE PILES,  
18          THE RUNOFF CONTROL COLLECTION, THE SECURITY.  
19          THERE'S -- AGAIN, I MENTION THERE'S NO HOMES OR  
20          COMMERCIAL BUILDINGS NEARBY. WE HAVE  
21          COMMUNICATIONS AND MONITORING AND MOBILE EQUIPMENT  
22          TO MOVE THOSE PILES IN THE EVENT OF ANY TYPE OF  
23          FIRE, IN THE EVENT THAT THE FIRE NOZZLES THAT ARE  
24          ACTUALLY ON SITE SURROUNDING THE TIRE PILES ARE  
25          UNABLE TO PUT THE FIRE OUT, IN THE EVENT IT EVER

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1 OCCURRED. WE'RE NOT PLANNING ON IT.

2 THE TRAINING WILL BE PROVIDED BY CAL  
3 CITY. WE ARE GOING TO ALLOW CAL CITY FIRE  
4 DEPARTMENT TO USE THE SITE AS A TRAINING FACILITY.  
5 THEY'RE GOING TO TRAIN OUR PERSONNEL ALL YEAR  
6 LONG. WE'RE PROVIDING THEM WITH ADDITIONAL FIRE  
7 FIGHTING EQUIPMENT, BOTH THE CITY AND THE FACILITY  
8 ITSELF.

9 THE NEXT SLIDE IS A QUICK DOWN AND  
10 DIRTY ON THE PYROLYSIS PROCESS SCHEMATIC THAT GOES  
11 IN. I DIDN'T BRING THE ENGINEER FROM PARSONS, SO  
12 MY ASSISTANT, I THINK, THIS IS THE FIRST TIME ON  
13 THE OVERHEAD.

14 THIS IS A BRIEF SCHEMATIC OF THE  
15 PYROLYSIS PROCESS. IT GOES IN, WE MELT IT DOWN,  
16 OUT OF THAT A CHARGE CREATED, SCRAP STEEL IS  
17 RECOVERED WITH MAGNETS, AND THE FLUFF GOES DOWN  
18 AND IS REUSED. THE ASH, WHICH IS PART OF THE  
19 FLUFF, CAN THEN BE USED AS A SOIL AMENDMENT IN THE  
20 LOCAL AREA. AND IT IS ALSO USED -- NOWADAYS  
21 THEY'RE COMING UP WITH RUBBER AS ONE OF THE  
22 COMPOST MATERIALS.

23 THE ANNUAL BY-PRODUCT, THE  
24 PRODUCTION I'VE ALREADY GONE INTO, SO I'D LIKE TO  
25 JUST COVER A COUPLE OF THE CONDITIONS. WITH THE

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1           STAFF, WE HAVE AGREED TO LIMIT THOSE WHOLE TIRES.  
2           WE AGREED THAT WE WOULD NOT NEED TO ACCEPT TIRES  
3           UNTIL JUNE 1 OF 1997. WE HAVE ACCEPTED THE LOWER  
4           DENSITIES OF PILES, RECOGNIZING THAT THE REASON  
5           FOR HAVING SOME STOCK IS IN THE EVENT OF A  
6           TRUCKING STRIKE OR REASON FOR ROAD CLOSURE, LIKE  
7           WE HAD WITH THE NORTHRIDGE EARTHQUAKE, THAT WE'LL  
8           BE ABLE TO CONTINUE THE OPERATION OF THE FACILITY.

9                       IT IS A STATE OF THE ART. NOT ONLY  
10          IS IT A SHOWCASE FOR THE FIRE PROTECTION PLAN, BUT  
11          IT IS A SHOWCASE FOR THE STATE OF CALIFORNIA.  
12          WE'VE PROVIDED INCREASED FINANCIAL ASSURANCES IN  
13          THE UNLIKELY EVENT OF CLOSURE, AND WE'RE NOT --  
14          WHAT WE'RE REALLY DOING IS WE'RE NOT ONLY  
15          RECYCLING TIRES. WE'RE NOW PROVIDING A NEW  
16          TECHNOLOGY FOR THE REUSE OF TIRES AND BY-PRODUCTS  
17          THAT ARE USED, OR THE PRODUCTS THAT ARE USED TO  
18          CREATE THE TIRE IS NOW GOING TO BECOME BY-PRODUCTS  
19          AND REUSED IN THE RECYCLING SYSTEM.

20                      AND IT ALSO GOES TO -- WE PROVIDED  
21          CHAIRMAN PENNINGTON WITH SOME OF THE ASSURANCES OF  
22          THE ECONOMIC VIABILITY. WE'RE AN END USER. WE'RE  
23          NOT JUST A TIRE STORAGE FACILITY. AND THAT WAS  
24          ONE OF THE CONCERNS. ONE OF THE CONCERNS WAS,  
25          ONE, WOULD WE TAKE TIRES FROM OUT OF STATE, AND

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1 THE ANSWER IS NO. THE WAY THAT WE CAN DO IT, EVEN  
2 THOUGH WE'RE GOING TO HAVE VIOLATIONS OF  
3 INTERSTATE COMMERCE CLAUSE, IS THAT WE WILL LIMIT  
4 IT WITH INTERNAL CONDITIONS WITHIN THE CONTRACTS  
5 THAT WE'RE GOING TO HAVE WITH THE LICENSED TIRE  
6 HAULERS.

7 THEY'LL BE DELIVERING TIRES BY  
8 MANIFEST ONLY, AND THEY'RE GOING TO BE MAKING  
9 ASSURANCES THAT THOSE TIRES ARE COMING FROM WITHIN  
10 CALIFORNIA. WE'RE TRYING TO SOLVE THE PROBLEM OF  
11 THE STATE, NOT LOOKING TO SOLVE THE SURROUNDING  
12 PROBLEMS. IF THEY NEED ADDITIONAL FACILITIES,  
13 WE'LL BUILD FACILITIES IN THEIR STATE.

14 SO, AGAIN, WE'RE AN END USER OF THE  
15 STORAGE FACILITY. IT'S A CLOSED-LOOP SYSTEM. IT  
16 TRULY IS A PUBLIC AND PRIVATE PARTNERSHIP THAT  
17 WE'RE DOING WITH THE CITY OF CALIFORNIA CITY AND I  
18 BELIEVE TOO WITH THE STATE OF CALIFORNIA. THE  
19 PLANNED OPERATION AT UTRC, WHICH IS UNITED TIRE  
20 RECYCLING CORPORATION, REPRESENTS A THOROUGH,  
21 WELL-RESEARCHED, AND IN-DEPTH ANALYSIS TO PROVIDE  
22 AN ECOLOGICALLY SOUND SOLUTION TO A SERIOUS  
23 ONGOING ENVIRONMENTAL PROBLEM.

24 THIS FACILITY WILL PROMOTE  
25 CONSERVATION EFFORTS TO EXTEND THE USEFUL LIFE OF

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1           OUR NATION'S LANDFILLS WHILE PROVIDING AN ECONOMIC  
2           BOOST TO THE LOCAL ECONOMY BY THE CREATION OF  
3           JOBS. THE TIRE SOURCES ARE COMMITTED, THE  
4           TECHNOLOGY IS PROVEN, THE OUTPUT PRODUCTION IS  
5           COMMITTED AND SOLD. FURTHER RESEARCH AND  
6           DEVELOPMENT BY UNITED TIRE RECYCLING CORPORATION  
7           WILL ESTABLISH ADDITIONAL VERTICAL AND HORIZONTAL  
8           MARKETS FOR ADDITIONAL BY-PRODUCT SALES. THE PLAN  
9           HAS BEEN CONCEIVED AND DESIGNED TO MAINTAIN VIABLE  
10          PROFITABILITY FOR CONTINUED OPERATIONS FOR MANY  
11          YEARS TO COME.

12                       WE ASK THE BOARD TO APPROVE TODAY  
13          THE ISSUANCE OF OUR WASTE TIRE PERMIT. WE CAN  
14          THEN CONTINUE TO ACHIEVE OUR GOAL OF ELIMINATING  
15          WASTE TIRES AND PROVIDING YOU WITH AN  
16          ENVIRONMENTAL SOLUTION TO A SERIOUS ENVIRONMENTAL  
17          PROBLEM.

18                      CHAIRMAN PENNINGTON: THANK YOU, MR.  
19          NORRIS. ANY QUESTIONS OF MR. NORRIS?

20                      BOARD MEMBER RELIS: POINT OF  
21          CLARIFICATION. IN MY MEETING WITH YOU, MR.  
22          NORRIS, YOU HAD INDICATED THAT, AND I THINK YOU  
23          SHOWED IN YOUR SLIDE, THAT THE TIRES WILL COME  
24          FROM CALIFORNIA SOURCES. I REALIZE THAT THAT'S AN  
25          INTERSTATE COMMERCE ISSUE THAT WE CANNOT CONDITION

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1 A PERMIT ON THAT BASIS. BUT I THINK YOU

2 VOLUNTARILY -- HOW DO YOU INTEND TO --

3 MR. NORRIS: WE'RE GOING TO DO IT

4 INTERNALLY INTO THE CONTRACTS. SINCE WE'RE ONLY

5 TAKING TIRES, OTHER THAN SURROUNDING COMMUNITY

6 TIRES THAT HAVE BEEN DUMPED IN THE RAVINES, WE'RE

7 GOING TO BE TAKING TIRES FROM LICENSED TIRE

8 HAULERS ONLY. WITH THAT, IN THE CONTRACTS THAT WE

9 WILL ENTER INTO WITH THEM, IT WILL BE THAT

10 LIMITATION. WE WILL HAVE THEIR ASSURANCES THAT

11 THOSE TIRES ARE COMING FROM CALIFORNIA. SINCE

12 WE'RE GENERATING 30 MILLION TIRES A YEAR, THE

13 MAXIMUM PRODUCTION AT 200 TONS PER DAY IS SIX

14 MILLION TIRES. WE'VE GOT MORE THAN ENOUGH

SUPPLY

15 TO LAST A LONG, LONG TIME IN YEARS TO COME.

16 CHAIRMAN PENNINGTON: ANY OTHER

QUESTIONS

17 OF MR. NORRIS? THANK YOU, MR. NORRIS. MR.

WEST,

18 STEVE WEST, CITY OF CALIFORNIA.

19 MR. WEST: MORNING, MR. CHAIRMAN AND

20 MEMBERS. MY NAME IS STEVE WEST. I'M THE CITY

21 MANAGER IN CALIFORNIA CITY. CALIFORNIA CITY IS

A

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22               SOMEWHAT UNIQUE COMMUNITY.   IT'S A SMALL  
COMMUNITY  
23               ABOUT A POPULATION OF ABOUT 10,000, BUT IT HAS  
IN  
24               SQUARE MILES 205 SQUARE MILES.   THAT PUTS US IN  
A  
25               UNIQUE CATEGORY, THIRD LARGEST IN THE STATE OF

1 CALIFORNIA BY GEOGRAPHIC AREA. IT ALLOWS US TO  
2 CONSIDER MANY PROJECTS THAT OTHER CITIES COULD  
3 NOT.

4 AND I CAN SAY UNEQUIVOCALLY THAT THE  
5 MAYOR AND CITY COUNCIL AND THE PLANNING  
6 COMMISSION, WHICH HAVE HAD SEVERAL OPPORTUNITIES  
7 TO REVIEW THIS PROJECT, ARE FULLY SUPPORTIVE. ALL  
8 VOTES HAVE BEEN UNANIMOUS, AND WE BELIEVE, STAFF  
9 BELIEVE, THE FIRE CHIEF BELIEVES THAT THE  
10 PROCEDURES AND POLICIES THAT HAVE BEEN OUTLINED  
11 HERE AND THE THINGS THAT YOU HAVE REFINED AS THE  
12 BOARD, WE THINK IT'S A PROJECT THAT WE CAN  
13 CONTINUE TO SUPPORT, AND WE DESIRE THAT YOU ISSUE  
14 THE PERMIT TODAY, AND LOOK FORWARD TO A POSITIVE  
15 ACTION BY THE BOARD.

16 CHAIRMAN PENNINGTON: THANK YOU. ANY  
17 QUESTIONS OF MR. WEST? OKAY. I'LL ENTERTAIN A  
18 MOTION.

19 BOARD MEMBER RELIS: MR. CHAIR, I WONDER  
20 IF I COULD JUST SAY BEFORE WE ENTERTAIN THE  
21 MOTION, INITIALLY THIS CAME TO COMMITTEE, P&E  
22 COMMITTEE, WITHOUT -- THE MORNING LITERALLY THE  
23 STAFF REPORT ACCOMPANIED IT. SO I WAS CONCERNED  
24 THAT PROCEDURALLY WE MIGHT HAVE BEEN GETTING AHEAD  
25 OF OURSELVES.

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1                   SINCE THEN, I'VE HAD A CHANCE TO  
2                   MEET WITH THE PARTIES AND MET WITH THE UNITED TIRE  
3                   PEOPLE. THIS IS A -- IF SUCCESSFUL, WOULD BE  
4                   POTENTIALLY A THIRD OF OUR ANNUAL DEFICIT IN THE  
5                   TIRE AREA, MEANING IT WOULD BE ABLE TO CONSUME  
6                   FULLY A THIRD OF THE SURPLUS NUMBER OF TIRES WE  
7                   GENERATE IN THE STATE ANNUALLY. THAT FACT ALONE  
8                   MOTIVATES ME TO SEE THIS PROJECT COME ON LINE.

9                   I KNOW THERE'S BEEN A LOT OF  
10                  SKEPTICISM ABOUT PYROLYSIS. WE'VE HEARD IT AT OUR  
11                  BOARD, AND I'VE WATCHED THIS TECHNOLOGY OVER THE  
12                  YEARS. WE DON'T KNOW, OF COURSE, AT THE BOARD  
13                  LEVEL WHETHER THIS WILL WORK, BUT THE FACT THAT  
14                  \$22 MILLION OR THEREABOUTS IS BEING ASSEMBLED TO  
15                  FURTHER THIS TECHNOLOGY TO PRODUCE CARBON BLACK  
16                  AND OTHER PRODUCTS AND ALSO THE ENERGY FACTOR.  
17                  I'M TOLD, THAT THIS FACILITY CAN PRODUCE ENERGY  
18                  SOMEWHERE BETWEEN 3 AND 4 CENTS A KILOWATT HOUR,  
19                  WHICH WOULD MAKE IT VERY COMPETITIVE WITH OTHER  
20                  ENERGY SOURCES, EVEN IN A POSTSTANDARD  
21                  ENVIRONMENT.

22                  SO WITH THAT, I FEEL COMFORTABLE  
23                  THAT THIS IS A PROJECT WE SHOULD SUPPORT AND SEE  
24                  IT PROCEED SWIFTLY AND HOPEFULLY SEE IT TO  
SUCCESS

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25 BECAUSE IT'D MAKE A MAJOR DENT IN OUR PROBLEM.  
SO



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1 I WILL MAKE A MOTION TO APPROVE.

2 CHAIRMAN PENNINGTON: OKAY.

3 BOARD MEMBER FRAZEE: SECOND.

4 CHAIRMAN PENNINGTON: MR. RELIS HAS  
5 MOVED; MR. FRAZEE SECONDS. ANY FURTHER  
6 DISCUSSION? OKAY. SECRETARY WILL CALL THE ROLL,  
7 PLEASE.

8 BOARD SECRETARY: BOARD MEMBER CHESBRO.

9 BOARD MEMBER CHESBRO: AYE.

10 BOARD SECRETARY: FRAZEE.

11 BOARD MEMBER FRAZEE: AYE.

12 BOARD SECRETARY: GOTCH.

13 BOARD BOARD MEMBER GOTCH: AYE.

14 BOARD SECRETARY: RELIS.

15 BOARD BOARD MEMBER RELIS: AYE.

16 BOARD SECRETARY: CHAIRMAN  
PENNINGTON.

17 CHAIRMAN PENNINGTON: AYE. MOTION  
18 CARRIES.

19 THE NEXT ITEM ON THE AGENDA IS  
ITEM

20 13, WHICH IS THE UKIAH SOLID WASTE DISPOSAL  
SITE.

21 WE'VE BEEN ASKED TO HOLD THAT FOR A MINUTE  
OR TWO

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22                   WHILE SOME PEOPLE ARRIVE.   SO I'M GOING TO  
GO TO

23                   ITEM 14, WHICH IS CONSIDERATION OF  
CONCURRENCE IN

24                   THE ISSUANCE OF A REVISED SOLID WASTE  
FACILITY

25                   PERMIT FOR BRADLEY LANDFILL WEST.

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1 MS. HAMBLETON: MORNING.

2 CHAIRMAN PENNINGTON: GOOD MORNING.

3 MS. HAMBLETON: MY NAME IS SUZANNE  
4 HAMBLETON WITH THE PERMITS BRANCH. ITEM NO. 14  
5 REGARDS THE CONSIDERATION OF CONCURRENCE IN THE  
6 ISSUANCE OF A NEW SOLID WASTE -- REVISED SOLID  
7 WASTE FACILITY PERMIT FOR THE BRADLEY LANDFILL  
8 WEST AND WEST EXTENSION WITHIN THE CITY OF LOS  
9 ANGELES.

10 THE OPERATOR IS WASTE MANAGEMENT  
11 RECYCLING DISPOSAL SERVICES OF CALIFORNIA. THE  
12 LEA IS THE CITY OF LOS ANGELES ENVIRONMENTAL  
13 AFFAIRS DEPARTMENT.

14 THE PROPOSED PROJECT BEFORE YOU IS  
15 AN INCREASE IN TONNAGE FROM 7,000 TONS PER DAY TO  
16 10,000 TONS PER DAY. A MORE EXTENSIVE REPORT WAS  
17 HEARD IN THE P&E MEETING; HOWEVER, AT THE TIME  
18 THAT WENT TO PRINT, ALL THE REQUIREMENTS HAD NOT  
19 YET BEEN FULFILLED AND RECEIVED BY STAFF.  
20 THEREFORE, THERE WAS NO RESOLUTION.

21 AT THIS TIME ALL THE REQUIREMENTS  
22 HAVE BEEN FULFILLED, THE RESOLUTION IS IN YOUR  
23 PACKET, AND STAFF RECOMMENDS THAT THE BOARD

ADOPT

24 RESOLUTION 96-321, CONCURRING IN THE ISSUANCE

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OF  
25

THE BRADLEY LANDFILL WEST AND WEST EXTENSION

1 PERMIT.

2 CHAIRMAN PENNINGTON: ANY QUESTIONS OF  
3 STAFF ON THIS?

4 BOARD MEMBER GOTCH: MR. CHAIR, LET ME  
5 ASK A QUICK QUESTION, PLEASE.

6 CHAIRMAN PENNINGTON: CERTAINLY, MS.  
7 GOTCH.

8 BOARD MEMBER GOTCH: IN MY BRIEFING, I  
9 LEARNED THAT AN INSPECTION FOUND A GAS PROBLEM  
10 THAT'S STILL UNDER INVESTIGATION AND IT'S  
11 SUSPECTED THAT THE PROBLEM ORIGINATES FROM THE  
12 CLOSED LANDFILL ACROSS THE STREET AND NOT THE  
13 BRADLEY LANDFILL. WHAT ACTIONS DO THE BOARD NEED  
14 TO PURSUE IN -- IF AN INSPECTION DETERMINES THAT  
15 BRADLEY LANDFILL IS THE SOURCE OF THE GAS PROBLEM?  
16 AND ALSO, WHEN IS THE EARLIEST WE MIGHT KNOW THIS  
17 INFORMATION?

18 MR. BELL: I'M JOHN BELL, MANAGER OF THE  
19 ENFORCEMENT BRANCH. THE ISSUE, FIRST OF ALL, WAS  
20 NOT A VIOLATION AT THE SITE. THE GAS IS COMING  
21 FROM THE PICK YOUR PART ACROSS THE STREET BY A  
22 STUDY THAT WAS JUST DONE BY CLOSURE AND  
23 REMEDIATION. AND THE WELLS, THE CONTROL WELLS,  
24 FROM BRADLEY ARE ACTUALLY DRAWING THE GAS ACROSS  
25 THE STREET. SO AS FAR AS WE KNOW NOW, THE GAS IS

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1 NOT COMING FROM BRADLEY AND IS NOT A BRADLEY  
2 ISSUE.

3 IT WAS NOTED ONLY AS AN AREA OF  
4 CONCERN IN THAT THERE IS A TECHNICAL LEVEL ABOVE 5  
5 PERCENT AT GREAT DEPTH. WE'RE GOING TO LOOK INTO  
6 IT A LITTLE BIT MORE, BUT RIGHT NOW IT DOESN'T  
7 WARRANT A VIOLATION. THERE'S NO IMMEDIATE THREAT  
8 TO HEALTH OR ANYTHING LIKE THAT. THERE'S NO  
9 VIOLATION ON THE PART OF BRADLEY.

10 BOARD MEMBER GOTCH: THANK YOU.

11 CHAIRMAN PENNINGTON: ANY FURTHER  
12 QUESTIONS OF STAFF? IF NOT, I'LL ENTERTAIN A  
13 MOTION.

14 BOARD MEMBER FRAZEE: MOVE ADOPTION OF  
15 RESOLUTION 96-319 ON THIS SITE.

16 BOARD MEMBER GOTCH: I'LL SECOND.

17 CHAIRMAN PENNINGTON: MR. FRAZEE MOVES;  
18 MRS. GOTCH SECONDS. WILL THE SECRETARY CALL THE  
19 ROLL.

20 BOARD SECRETARY: BOARD MEMBER CHESBRO.

21 BOARD MEMBER CHESBRO: AYE.

22 BOARD SECRETARY: FRAZEE.

23 BOARD BOARD MEMBER FRAZEE: AYE.

24 BOARD SECRETARY: GOTCH.

25 BOARD BOARD MEMBER GOTCH: AYE.

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1 BOARD SECRETARY: RELIS.

2 BOARD BOARD MEMBER RELIS: AYE.

3 BOARD SECRETARY: CHAIRMAN PENNINGTON.

4 CHAIRMAN PENNINGTON: AYE.

5 NEXT WE'RE GOING TO MOVE TO ITEM 16,  
6 WHICH IS THE CONSIDERATION OF CONCURRENCE IN THE  
7 ISSUANCE OF A STANDARDIZED SOLID WASTE PERMIT FOR  
8 THE CITY OF BAKERSFIELD MATERIAL PROCESSING  
9 FACILITY.

10 MR. DIER: MORNING, MR. CHAIRMAN. DON  
11 DIER, MANAGER OF THE PERMITS BRANCH. THIS IS AN  
12 ITEM FOR A STANDARDIZED COMPOST PERMIT. AT THE  
13 TIME THE MATTER WAS BEFORE THE P&E COMMITTEE, WE  
14 HAD JUST RECEIVED A PERMIT AND HAD NOT HAD TIME TO  
15 DO AN ANALYSIS AND RECOMMENDATION TO THE  
16 COMMITTEE.

17 SUBSEQUENT TO THAT TIME, WE HAVE  
18 REVIEWED THE PERMIT AND FOUND THAT ALL THE  
19 REQUIREMENTS ARE IN ORDER AND ARE ABLE TO  
20 RECOMMEND CONCURRENCE IN THE ISSUANCE OF THE  
21 PERMIT AND ARE RECOMMENDING ADOPTION OF PERMIT  
22 DECISION 96-322.

23 IT'S MY UNDERSTANDING THAT THE LEA  
24 AND THE REPRESENTATIVES OF CITY PUBLIC WORKS ARE  
25 PRESENT IF YOU HAVE ANY QUESTIONS OF THEM.

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1                   CHAIRMAN PENNINGTON:   OKAY.   DOES ANYONE  
2                   HAVE ANY QUESTIONS OF STAFF ON THIS ITEM?

3                   BOARD MEMBER FRAZEE:   I THINK IT'S JUST  
4                   TO REINFORCE THE FACT THAT THIS IS BEFORE US EVEN  
5                   THOUGH THE PERMITTING COMMITTEE DID NOT TAKE AN  
6                   ACTION BECAUSE OF THE TIME CONSTRAINTS IN  
7                   PROCESSING THE PERMIT.   THE BOARD HAS 30 DAYS --

8                   MR. DIER:   THIRTY DAYS DO CONSIDER, AND  
9                   WE HAD JUST RECEIVED IT JUST PRIOR TO THE  
10                  COMMITTEE MEETING.

11                  BOARD MEMBER FRAZEE:   SO IT COULD NOT BE  
12                  CARRIED OVER UNTIL NEXT MONTH.

13                  CHAIRMAN PENNINGTON:   WE HAVE TWO PEOPLE  
14                  IN THE AUDIENCE WHO WISH TO ADDRESS THIS.   MR.  
15                  MORRIS, CITY OF BAKERSFIELD.

16                  MR. MORRIS:   CHAIRMAN PENNINGTON, BOARD  
17                  MEMBERS, GOOD MORNING.   MY NAME IS HOWARD MORRIS,  
18                  SOLID WASTE SUPERINTENDENT OF THE CITY OF  
19                  BAKERSFIELD, SPEAKING IN SUPPORT OF THE PERMIT  
20                  APPLICATION THAT'S UNDER CONSIDERATION TODAY.

21                  WHEN I SPOKE AT THE PERMITTING AND  
22                  ENFORCEMENT COMMITTEE MEETING, I DISCUSSED THE  
23                  FACT THAT THERE WERE TWO CEQA ANALYSES PERFORMED  
24                  FOR THE PROJECT SITE AND THE FACT THAT WE'VE

DONE

25                  SOME FURTHER RESEARCH.   AND WITH THE HELP OF

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MARK

1 DE BIE, THE SENIOR ANALYST FOR THE WASTE BOARD,  
2 AND VERY HELPFUL, THERE, IN FACT, HAVE BEEN FOUR  
3 CEQA ANALYSES PERFORMED FOR THE SITE. ALL  
4 RECEIVED NEGATIVE DECLARATIONS BECAUSE OF ITS  
5 REMOTENESS, BECAUSE IT'S SURROUNDED BY FARM LAND,  
6 BECAUSE THERE'S A SEWAGE TREATMENT FACILITY  
7 ALREADY THERE.

8 THE FACILITY HAS BEEN ENORMOUSLY  
9 POPULAR. IT HAS HELPED THE CITY TO ACHIEVE  
10 ROUGHLY 30 PERCENT VIRGIN RATE. ONE OF THE CEQA  
11 ANALYSES PERFORMED THAT IS NOT UNDER CONSIDERATION  
12 WAS FOR A MRF. AS YOU NOTE, I THINK IT WAS BOARD  
13 MEMBER RELIS WHO NOTED THAT IT'S CALLED A  
14 MATERIALS PROCESSING FACILITY, SOMETHING OF A  
15 MISNOMER. IT'S NOT A MRF. ALTHOUGH SHOULD A MRF  
16 BE CONTEMPLATED FOR THE FUTURE TO MEET OUR  
17 50-PERCENT DIVERSION GOAL FOR THE YEAR 2000, WE  
18 MAY APPEAR BEFORE THE BOARD AGAIN AT THAT TIME.

19 NO, THIS IS REALLY FOR COMPOSTING  
20 AND SOME INERT RECYCLING OF WASTE. AND I ALSO  
21 WOULD LIKE TO JUST MENTION IN PASSING THAT THERE  
22 HAVE BEEN NO COMPLAINTS FROM THE PUBLIC OR FROM  
23 ANYONE ELSE ABOUT THIS PROJECT. THERE'S BEEN NO  
24 ODOR COMPLAINTS RECEIVED BY THE CITY OR BY THE  
25 LEA, PROBABLY BECAUSE WE DO NOT ACCEPT SEWAGE

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1 SLUDGE OR FECES OF ANY KIND.

2 FRANKLY, MUCH OF THAT IS MARKET  
3 DRIVEN. THERE'S ALREADY A SAN JOAQUIN COMPOSTING  
4 FACILITY THAT ACCEPTS SEWAGE SLUDGE, AND THERE'S A  
5 COMMUNITY RECYCLING COMPOSTING FACILITY THAT  
6 ACCEPTS LARGE VOLUMES OF FOOD WASTE, SO WE MET A  
7 CERTAIN NICHE IN OUR MARKET AND ARE HAPPY TO  
8 REPORT THAT WE'RE SELLING ALL THE COMPOST THAT WE  
9 NOW PRODUCE.

10 SO THE FACILITY HAS BEEN VERY  
11 SUCCESSFUL AND VERY POPULAR WITH THE PUBLIC, WITH  
12 THE COUNCIL, THEY'RE VERY SUPPORTIVE, AND ALSO THE  
13 KERN COUNTY BOARD OF SUPERVISORS HAS BEEN A  
14 FINANCIAL CONTRIBUTOR AND PROUD COSPONSOR OF THE  
15 FACILITY SINCE 1993, AND IN THE PROCESS OF THE  
16 YEAR WILL HAVE CONTRIBUTED \$330,000 TO THE  
17 OPERATION.

18 THAT PRETTY MUCH CONCLUDES MY  
19 COMMENTS. I'D BE HAPPY TO ANSWER ANY QUESTIONS.

20 CHAIRMAN PENNINGTON: ANY QUESTIONS OF  
21 MR. MORRIS? THANK YOU, MR. MORRIS.

22 NEXT WE HAVE ERIC SUNSWHEAT.

23 MR. SUNSWHEAT: ERIC SUNSWHEAT, POTTER  
24 VALLEY. FIRST OF ALL, I'D LIKE TO CONGRATULATE  
25 THE CITY OF BAKERSFIELD FOR DESIGNING THE  
FACILITY

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1 TO HAVE COMPOST WIND ROWS THAT ARE FIVE FOOT HIGH  
2 AND TEN FOOT WIDE. THE STAFF REPORT FROM THE  
3 WASTE BOARD DOES NOT INDICATE WHAT THE DRAINAGE  
4 SLOPE IS OR THE FREQUENCY OF TURNING OR THE TYPE  
5 OF MONITORING THAT IS PLANNED OR IN ACTIVITY.

6 THE REASON WHY I'M ADDRESSING THE  
7 BOARD AT THIS POINT IS THAT I SEE ON PAGE 98, THE  
8 TITLE PAGE, SAYS THE PROPOSED CAPACITY -- THE  
9 TOTAL SITE CAPACITY OF 86,560 CUBIC YARDS.  
10 HOWEVER, ON PAGE 102, WHICH IS A CONTINUATION OF  
11 THE STANDARDIZED COMPOSTING PERMIT, ITEM NO. 16 F,  
12 IT SAYS THE DESIGN CAPACITY OF 7,560 CUBIC YARDS  
13 OF MATERIAL. SO I WOULD ASK THAT THE BOARD  
14 HAVE -- CORRECT THAT IF THAT IS THE MISTAKE IN THE  
15 PROPOSED STANDARDIZED COMPOSTING PERMIT.

16 THANK YOU VERY MUCH FOR THIS  
17 OPPORTUNITY TO ADDRESS THE BOARD.

18 CHAIRMAN PENNINGTON: THANK YOU, MR.  
19 SUNSWHEAT.

20 BOARD MEMBER RELIS: I'D JUST ASK:  
21 DOES

22 STAFF SEE A DISCREPANCY THERE? I DIDN'T PICK IT  
23 UP.

24 BOARD MEMBER FRAZEE: THE ITEM ON 102  
25 AT

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24 F IS THE MATERIAL UNDERGOING COMPOSTING. THE  
25 OTHER FIGURE THAT WAS QUOTED IS TOTAL MATERIAL  
ON

1 THE SITE, TOTAL CAPACITY.

2 MR. DIER: FEEDSTOCK, PRODUCT.

3 BOARD MEMBER RELIS: MR. CHAIR, I WOULD  
4 LIKE TO COMMEND BAKERSFIELD, THE CITY, AND KERN  
5 COUNTY FOR THIS EFFORT. KERN COUNTY IS BECOMING  
6 ONE OF THE REAL CENTERS FOR COMPOSTING IN  
7 CALIFORNIA. AND IT MAKES SENSE BECAUSE IT'S SUCH  
8 AN ENORMOUS AGRICULTURAL PRESENCE IN THE STATE.

9 I WOULD JUST NOTE THAT I THINK  
10 FACILITIES LIKE THIS, ESPECIALLY WHEN THEY'VE  
11 EVIDENCED AN ABILITY TO MARKET THE MATERIAL,  
12 REPRESENT A VERY SECURE DIVERSION PATH FOR  
13 JURISDICTIONS BECAUSE THAT MARKET ISN'T SUBJECT TO  
14 INTERNATIONAL FLUCTUATIONS IN PRICE OF PAPER AND  
15 OTHER TYPES OF WILD UPS AND DOWNS THAT WE SEE WITH  
16 COMMODITIES, AND IT'S A MARKET THAT'S CLOSE TO  
17 HOME. SO I THINK IT'S VERY APPROPRIATE, AND I  
18 WISH THEM ALL THE SUCCESS, AND WILL MOVE  
19 CONCURRENCE WITH THIS ITEM.

20 BOARD MEMBER CHESBRO: I WILL SECOND IT  
21 AND ECHO PAUL'S REMARKS, AND SAY THAT I THINK IT'S  
22 INDICATIVE OF THE LARGER TREND AROUND THE STATE  
23 WITH COMPOST REALLY EMERGING NOW AS A SIGNIFICANT  
24 PORTION OF OUR SECOND 25 PERCENT FOR THE YEAR 2000  
25 HERE, SO IT'S AN IMPORTANT PROJECT.

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1                   CHAIRMAN PENNINGTON: IT'S MOVED BY BOARD  
2 MEMBER RELIS AND SECONDED BY MR. CHESBRO. WILL  
3 THE SECRETARY CALL THE ROLL, PLEASE.

4                   BOARD SECRETARY: BOARD MEMBER CHESBRO.

5                   BOARD MEMBER CHESBRO: AYE.

6                   BOARD SECRETARY: FRAZEE.

7                   BOARD BOARD MEMBER FRAZEE: AYE.

8                   BOARD SECRETARY: GOTCH.

9                   BOARD BOARD MEMBER GOTCH: AYE.

10                  BOARD SECRETARY: RELIS.

11                  BOARD BOARD MEMBER RELIS: AYE.

12                  BOARD SECRETARY: CHAIRMAN PENNINGTON.

13                  CHAIRMAN PENNINGTON: AYE.

14                         I'D LIKE TO -- I THINK WE HAVE TIME  
15 TO TAKE UP ITEM 15, THE TOLAND ROAD PERMIT. WE'VE  
16 GOT ABOUT AN HOUR. WE'VE GOT FIVE PEOPLE HERE WHO  
17 SAID THEY WISH TO SPEAK. IF NO ONE HAS ANY  
18 OBJECTION, WE'LL TAKE UP ITEM 15. DON DIER.

19                  MR. WHITNEY: MR. CHAIRMAN, MEMBERS,  
20 CLINT WHITNEY, DEPUTY DIRECTOR OF PERMITTING AND  
21 ENFORCEMENT DIVISION. I'D LIKE TO HAVE THE RECORD  
22 SHOW THAT, AS A FORMER EMPLOYEE OF THE VENTURA  
23 REGIONAL SANITATION DISTRICT, I MUST RECUSE MYSELF  
24 FROM THIS DECISION. THANK YOU.

25                  CHAIRMAN PENNINGTON: OKAY. THANK YOU.

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1                   MR. OTSUBO:   GOOD MORNING, MEMBERS OF THE  
2                   BOARD.   I'M DAVID OTSUBO WITH THE PERMITS BRANCH.  
3                   THIS ITEM REGARDS THE CONSIDERATION OF CONCURRENCE  
4                   IN THE ISSUANCE OF A REVISED SOLID WASTE  
5                   FACILITIES PERMIT FOR THE TOLAND ROAD LANDFILL  
6                   LOCATED IN VENTURA COUNTY.

7                                 IN AUGUST OF THIS YEAR, IT WAS  
8                   PROJECTED THAT THE BAILARD LANDFILL, WHICH  
9                   CURRENTLY ACCEPTS THE WESTERN WASTES FOR THAT  
10                  COUNTY, WILL CLOSE.   VENTURA PROPOSES THAT TOLAND  
11                  ROAD ACCEPT THIS WASTE.

12                                THE PROPOSED PROJECT INCLUDES AN  
13                  INCREASE IN TONNAGE OF MAXIMUM TONNAGE OF 135 TONS  
14                  PER DAY TO 1500 TONS PER DAY.   IT ALSO INCLUDES A  
15                  53-ACRE LATERAL EXPANSION AND AN INCREASE IN THE  
16                  ACTUAL DISPOSAL FOOTPRINT FROM 53 TO 86 ACRES.

17                                THIS SITE HAS -- WAS FIRST REVIEWED  
18                  AT THE END OF LAST YEAR.   THERE WAS AN EIR DONE,  
19                  WHICH WAS COMPLETED IN SEPTEMBER.   THE VENTURA  
20                  REGIONAL SANITATION DISTRICT ACTED AS LEAD AGENCY  
21                  AND APPROVED AND CERTIFIED THE EIR IN FEBRUARY OF  
22                  THIS YEAR.   AND IN MAY OF THIS YEAR, THE PLANNING  
23                  COMMISSION FIRST HEARD THIS ITEM AND VOTED TO  
24                  REJECT THE MODIFICATION OF THE CONDITIONAL USE  
25                  PERMIT; HOWEVER, ALL SOLID WASTE ISSUES ARE

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1           ACTUALLY DECIDED BY THE BOARD OF SUPERVISORS.  
AND  
2           BY A THREE-TO-TWO VOTE ON MAY 22D, THEY VOTED TO  
3           AMEND THE CONDITIONAL USE PERMIT, ALLOWING THEM  
TO  
4           INCREASE THE TONNAGE -- ALLOWING THEM -- THE NEW  
5           PROJECT.

6                       THIS PROJECT ALSO WOULD INCREASE  
THE  
7           TOTAL CAPACITY OF THE SITE FROM 6 MILLION CUBIC  
8           YARDS TO 30 MILLION CUBIC YARDS CAPACITY,  
9           PROVIDING THE WESTERN WASTESHED OF VENTURA A  
10          DISPOSAL SITE UNTIL ABOUT THE YEAR 2027.

11                      WHEN THE CUP WAS ISSUED BY THE  
12          COUNTY, THIS ALLOWED VRSD, THE VENTURA REGIONAL  
13          SANITATION DISTRICT, TO COMPLETE THEIR  
14          APPLICATION.   SUBSEQUENTLY THE LEA SUBMITTED A  
15          PROPOSED PERMIT TO THE BOARD.

16                      SINCE THE PERMITTING AND  
ENFORCEMENT  
17          COMMITTEE MEETING, THE LOS ANGELES REGIONAL WATER  
18          QUALITY CONTROL BOARD CONSIDERED REVISED WDR'S  
FOR  
19          THE SITE.   THE REVISED WDR'S WERE GRANTED WITH A  
20          STIPULATION THAT FURTHER STUDY BE DONE ON

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POSSIBLE

21                    FAULTING UNDERNEATH THE SITE.

22                                    I TALKED TO A REGIONAL BOARD

STAFFER

23                    YESTERDAY.   HE INDICATED THAT THIS MAY NOT

24                    ACTUALLY REQUIRE ADDITIONAL WORK.   FIRST, THEY

25                    WILL CONTINUE TO REVIEW ALL THE MATERIAL THAT HAS

1           BEEN SUBMITTED TO THEM. IF THE MATERIAL FAILS TO  
2           SHOW EVIDENCE OF A FAULT, THEN THE WDR'S INDICATE  
3           THAT THE EXECUTIVE OFFICER OF THE REGIONAL BOARD  
4           MAY ALLOW FILLING WITHIN THAT AREA.

5                       I SHOULD ALSO TELL YOU THAT JUST  
6           PRIOR TO THIS MEETING, I RECEIVED A COPY OF A  
7           LETTER WHICH WAS DIRECTED TO THE BOARD, WHICH  
8           INDICATED THAT OPPONENTS TO THE TOLAND ROAD  
9           LANDFILL EXPANSION HAVE FILED A PETITION WITH THE  
10          STATE WATER RESOURCES CONTROL BOARD. THIS  
11          PETITION INCLUDES A REQUEST FOR A STAY FOR THE  
12          WASTE DISCHARGE REQUIREMENTS.

13                      IN CONCLUSION, STAFF OF THE BOARD  
14          HAVE REVIEWED THE PROPOSED PROJECT. WE HAVE  
15          AGREED THAT THE SITE IS IN CONFORMANCE WITH THE  
16          COUNTY SOLID WASTE MANAGEMENT PLAN, CONSISTENT  
17          WITH THE GENERAL PLAN, AND CEQA HAS BEEN COMPLIED  
18          WITH. STAFF RECOMMEND THAT THE BOARD ADOPT PERMIT  
19          DECISION 96-321, CONCURRING IN THE ISSUANCE OF  
20          THIS PERMIT.

21                      CHAIRMAN PENNINGTON: OKAY. THANK YOU.  
22          MR. CHANDLER, I BELIEVE YOU WOULD LIKE TO ADDRESS  
23          THE ISSUE.

24                      MR. CHANDLER: MR. OTSUBO DID A VERY GOOD  
25          SUMMARY OF THE DEVELOPMENTS ON THIS PROJECT TO

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1           DATE.    MOST NOTABLY --

2                   UNIDENTIFIED SPEAKER:   EXCUSE ME.    I  
3           CAN'T HEAR YOU.

4                   MR. CHANDLER:    TRY A LITTLE BIT CLOSER  
5           HERE.   MR. OTSUBO'S SUMMARY WAS VERY COMPLETE.   HE  
6           DID REFERENCE, THOUGH, ONE MOST RECENTLY RECEIVED  
7           LETTER DATED JULY 29TH TO THE BOARD THAT REFLECTS  
8           THE CITY OF FILLMORE AND SANTA PAULA'S PETITION TO  
9           THE STATE WATER BOARD FOR A HEARING TO REVERSE THE  
10          DECISION OF THE REGIONAL WATER QUALITY CONTROL  
11          BOARD'S DECISION TO ISSUE RVSD A WASTE DISCHARGE  
12          ORDER DATED JULY 15, 1996.

13                   THE CITIES ALSO REQUESTED THAT THE  
14          ORDER BE STAYED PENDING A DECISION BY THE STATE  
15          WATER BOARD.   THE RELEVANT PUBLIC RESOURCES CODE  
16          SECTION THAT SPEAK TO THIS IN OUR CODE IS  
17          44009(B).   AND I THINK IT WOULD BE HELPFUL FOR THE  
18          BOARD TO GET AN EXPLANATION FROM COUNSEL JUST AS  
19          TO THE INTERPRETATION OF 44009(B) AS IT RELATES TO  
20          THE PETITION IN THIS CASE FROM THE CITIES OF  
21          FILLMORE AND SANTA PAULA.   I'D LIKE TO ASK COUNSEL  
22          TO EXPAND ON THAT.

23                   MS. TOBIAS:    ESSENTIALLY UNDER THE  
24          SECTION 44009(B), THE BOARD HAS DISCRETION WHEN  
25          CERTAIN CONDITIONS ARE IN PLACE AS TO WHETHER IT

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1           DECIDES TO MAKE A DECISION TODAY OR NOT.   SO WHEN  
2           THE -- WHEN A REQUEST FOR STAY HAS BEEN REQUESTED,  
3           BUT THE STATE BOARD HAS NOT YET TAKEN ACTION FOR  
4           THAT, THE BOARD CAN DECIDE WHETHER IT WANTS TO  
5           WAIT FOR THE STATE BOARD TO TAKE AN ACTION OR  
6           WHETHER THEY WANT TO DECIDE TODAY.

7                         IF YOU WANT TO WAIT, THEN THE DEEMED  
8           APPROVED ASPECT OF THE STATUTE IS ESSENTIALLY, IF  
9           YOU WILL, SUSPENDED OR LIFTED SO YOU ARE NOT  
10          DEEMED TO HAVE CONCURRED WITHIN THE NORMAL TIME  
11          LIMITS.   BUT YOU HAVE DISCRETION AS TO WHETHER YOU  
12          WANT TO ACT TODAY OR NOT.

13                       CHAIRMAN PENNINGTON:   MR. RELIS.

14                       BOARD MEMBER RELIS:   MR. CHAIR, PURSUING  
15          THAT POINT, SECTION 44009, READING B, I'M TRYING  
16          TO FOLLOW COUNSEL'S DISCRETION ARGUMENT HERE.   IT  
17          SAYS, "NOTWITHSTANDING SUBDIVISION A, THE BOARD IS  
18          NOT REQUIRED TO CONCUR IN OR OBJECT TO AND SHALL  
19          NOT BE DEEMED TO HAVE CONCURRED IN THE ISSUANCE OF  
20          A SOLID WASTE FACILITIES PERMIT FOR A DISPOSAL  
21          FACILITY IF THE OWNER OR OPERATOR IS NOT IN  
22          COMPLIANCE WITH, AS DETERMINED BY THE REGIONAL  
23          WATER BOARD, AN ENFORCEMENT ORDER."

24                       AND THEN IT HAS THIS -- WHAT I'M  
25          INTERESTED IN IS YOUR UNDERSTANDING OF THE OR,

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1           WHICH SAYS -- LISTS THREE CONDITIONS AND SAYS  
2           "WASTE DISCHARGE REQUIREMENTS FOR THE DISPOSAL  
3           FACILITY ISSUED BY THE APPLICABLE REGIONAL WATER  
4           BOARD ARE PENDING REVIEW OF THE PETITION BEFORE  
5           THE STATE BOARD. SECOND, THE PETITION FOR REVIEW  
6           OF THE WASTE DISCHARGE REQUIREMENTS INCLUDES A  
7           REQUEST FOR A STAY OF THE WASTE DISCHARGE  
8           REQUIREMENTS. AND FINALLY, THREE, THE STATE WATER  
9           BOARD HAS NOT TAKEN ACTION ON THE STAY REQUEST  
10          PORTION OF THE PENDING PETITION FOR REVIEW OF THE  
11          WASTE DISCHARGE REQUIREMENTS."

12                       YOUR INTERPRETATION OF THIS IS THAT  
13           IT'S A DISCRETIONARY JUDGMENT OF THE BOARD. IT'S  
14           NOT THE PARA 3, AND YOU FIND IN THE ACTION BY THE  
15           OPPONENTS TO THE LANDFILL THAT THEY HAVE FILED ON  
16           THAT THREE BASIS, AND IT HAS NOT COME BEFORE THE  
17           STATE BOARD YET, THAT THAT ISN'T AN ABSOLUTE.

18                       MS. TOBIAS: CORRECT. SO YOU HAVE THE  
19           DISCRETION --

20                       BOARD MEMBER RELIS: WHERE DO YOU FIND IN  
21           THE LANGUAGE THAT?

22                       MS. TOBIAS: IT SAYS THAT THE BOARD IS  
23           NOT REQUIRED TO CONCUR IN OR OBJECT TO AND  
24           SHALL

24           NOT BE DEEMED TO HAVE CONCURRED. WHAT THAT

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MEANS

25

THE

IS THAT NORMALLY, IF YOU LOOK AT A, IT SAYS

1 BOARD SHALL IN WRITING CONCUR OR OBJECT TO THE  
2 ISSUANCE, MODIFICATION, OR REVISION OF A SOLID  
3 WASTE FACILITIES PERMIT WITHIN 60 DAYS OF THE  
4 BOARD'S RECEIPT. SO ESSENTIALLY YOU HAVE 60 DAYS  
5 IN WHICH TO ACT.

6 WHAT B DOES, NOTWITHSTANDING A, IS  
7 IT BASICALLY SAYS IN A CERTAIN SITUATION IN WHICH  
8 EITHER THE OWNER OR OPERATOR IS NOT IN COMPLIANCE  
9 OR IF THE FOLLOWING CONDITIONS ARE MET, ONE, TWO,  
10 AND THREE, AS YOU READ, THEN THE BOARD IS NOT  
11 REQUIRED TO CONCUR OR OBJECT, AND THAT DEFAULT  
12 PROVISION IN WHICH YOU WOULD BE DEEMED TO HAVE  
13 CONCURRED IS SUSPENDED.

14 ARE YOU NOT --

15 BOARD MEMBER RELIS: YES. I GUESS MY  
16 ONLY CONCERN THERE WAS THIS LANGUAGE "OR IF ALL OF  
17 THE FOLLOWING CONDITIONS EXIST." IF THOSE THREE  
18 EXIST --

19 MS. RICE: IF I MAY, MR. RELIS. THIS WAS  
20 A PROVISION OF AB 1220, AND I THINK WHAT HAPPENED  
21 IS IN SEEKING TO DESCRIBE THE LANGUAGE IN  
22 SUBDIVISION, IF YOU USE RULES OF STATUTORY  
23 CONSTRUCTION, IS AN OVERRIDING STATEMENT THAT THEN  
24 THE SUBPARAGRAPHS 1, 2, 3, ETC, FIT UNDER. SO THE  
25 FIRST THOUGHT IS THAT THE BOARD IS GIVEN

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1 DISCRETION BY THIS NEW ADDITION OF 1220 TO  
2 DETERMINE ON PERMITS WHERE ALL OF THESE CONDITIONS  
3 HAVE BEEN MET OR IF THERE IS A VIOLATION OF A  
4 REGIONAL BOARD ORDER, YOU CAN DECIDE WHETHER OR  
5 NOT, IN A SENSE, YOU SHOULD STOP THE CLOCK TO  
6 ALLOW MORE TIME TO -- EITHER FOR THE STATE BOARD  
7 TO ACT ON THE REQUEST FOR A STAY.

8 THE INTENT WAS THAT THE BOARD NOT BE  
9 PLACED IN THE POSITION OF HAVING TO ACT OR BEING  
10 DEEMED TO HAVE CONCURRED WHEN YOU KNEW THAT THERE  
11 WAS A REQUEST PENDING AT THE STATE BOARD THAT MAY  
12 HAVE SUBSTANTIAL MERIT, YOUR GIVEN THE OPTION OF  
13 WAITING THAT TIME OUT.

14 BOARD MEMBER RELIS: AND THEN WE WOULD  
15 MAKE THE CLARIFICATION BETWEEN A SUBMITTAL FOR A  
16 STAY, THAT WE DON'T KNOW WHETHER THE STATE WATER  
17 BOARD WILL ACCEPT THAT.

18 MS. RICE: THAT'S CORRECT. THEY MAY NOT  
19 GRANT THE STAY.

20 BOARD MEMBER RELIS: AND JUST ONE OTHER  
21 POINT RELATED TO STAFF. THE REGIONAL BOARD'S  
22 ACTION IN THIS CASE, SAID, IF I UNDERSTAND THIS  
23 RIGHT, THAT SHOULD THEY FIND EVIDENCE OF A FAULT  
24 THAT HAS BEEN ALLEGED, THEN THE SETBACK WOULD BE  
25 SOME COUPLE HUNDRED FEET FROM THE AREA OF THE

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1           FAULT IF IT IS INDEED FOUND.   IS THAT CORRECT.

2                   MR. OTSUBO:   I THINK THE WDR'S, AS THEY  
3           NOW STATE, SAY THAT VRSD MAY NOT PLACE WASTE  
4           WITHIN 200 FEET OF THE SUSPECTED FAULT AND UNTIL  
5           FURTHER REVIEW IS DONE THIS IS THE CASE.

6                   BOARD MEMBER RELIS:   SO THEY COULD NOT  
7           PUT WASTE THERE BASED ON THE WDR?

8                   MR. OTSUBO:   NOT UNTIL THE EXECUTIVE  
9           OFFICER SIGNS OFF ON IT.

10                  CHAIRMAN PENNINGTON:   ANY OTHER QUESTIONS  
11           OF THE STAFF?

12                  BOARD MEMBER FRAZEE:   JUST ONE QUICK  
13           POINT ON THAT.   THAT THEN IS ONLY A MODIFICATION.  
14           IT'S NOT -- WOULD NOT CONSTITUTE A REJECTION OF  
15           THE ENTIRE PERMIT.   THEIR DESIGN COULD BE SUCH  
16           THAT THEY COULD CONTINUE TO OPERATE THE LANDFILL  
17           AND AVOID THE AREA IN QUESTION.

18                  MR. OTSUBO:   THAT'S TRUE.   THEY WOULD BE  
19           ABLE TO OPERATE, JUST NOT PLACE WASTE WITHIN THE  
20           200-FOOT SETBACK.

21                  CHAIRMAN PENNINGTON:   OKAY.   I DO WANT TO  
22           ANNOUNCE THAT FOLLOWING THIS ITEM, WE WILL TAKE UP  
23           THE UKIAH LANDFILL.   I WAS ASKED TO HOLD OFF UNTIL  
24           11:15.   IT'S NOW 11:20, SO I DON'T SEE HOW I CAN  
25           STALL ANY LONGER.   SO WE'LL MOVE ON TO THAT, AND

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1 THE BOARD WILL BREAK FOR LUNCH A LITTLE LATE.

2 FIRST, ON ITEM 15, FROM THE PUBLIC  
3 IS MAYOR ROGER CAMPBELL, CITY OF FILLMORE, THE MAN  
4 WHO COMPETES WITH ME FOR TIES.

5 MAYOR CAMPBELL: THANK YOU FOR THE  
6 OPPORTUNITY TO SPEAK TO YOU HERE TODAY. I'M SORRY  
7 THIS ISN'T IN VENTURA COUNTY WHERE YOU WOULD SEE  
8 THE AMOUNT OF OPPOSITION THERE IS. I DON'T THINK  
9 THAT YOUR REPORT FROM YOUR STAFF REALLY GAVE A  
10 TRUE FEELING OF A UNANIMOUS VOTE FROM THE PLANNING  
11 COMMISSION TO REJECT. A THREE-TO-TWO VOTE FROM  
12 THE BOARD TO ACCEPT THIS PROPOSAL WAS A VERY  
13 CONTENTIOUS PROPOSAL.

14 ONE OF THE THINGS THAT WAS NOT  
15 BROUGHT OUT IN EITHER OF THOSE TWO HEARINGS WAS  
16 THE NEW INFORMATION THAT CAME OUT AFTERWARDS FROM  
17 A GEOLOGIST NAMED DR. YEATS, WHO HAS FOUND,  
18 WITHOUT DOUBT, A FAULT. AND IN HIS LETTER AND IN  
19 ALL OF HIS INFORMATION, AND I KNOW THAT SOME OF  
20 THAT HAS BEEN GIVEN TO YOU FOLKS, THAT INFORMATION  
21 HAS BEEN GIVEN, WITHOUT A DOUBT, THAT THERE IS A  
22 FAULT THERE. AS A MATTER OF FACT, IT'S NOT JUST A  
23 FAULT. IT'S THE PROBABILITY OF A SERIES OF  
24 FAULTS, A CLUSTER OF FAULTS, A SPIDER WEB OF  
25 FAULTS.

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1                   IT SEEMS TO ME THAT WITH THIS NEW  
2           INFORMATION, THE WATER QUALITY BOARD, WHEN THEY  
3           SAW IT, THEY SAID, "WELL, WE WILL LOOK AT THIS A  
4           LITTLE BIT FURTHER." WHEN THEY FINISHED LOOKING  
5           AT ALL THE INFORMATION, THERE WAS NO QUESTION  
6           THERE'S A FAULT THERE. ALSO, THERE IS NO QUESTION  
7           THAT THE LAWS REGARDING LANDFILLS SAY YOU CAN'T  
8           PUT A LANDFILL OVER A FAULT. I DON'T

UNDERSTAND

9           HOW THIS COULD GO ON.

10                   WHAT -- I KNOW YOU'VE SEEN DR.

11           YEATS' LETTER, SO I'M NOT GOING TO READ ANY  
PARTS

12           OF IT, BUT THERE WAS ABSOLUTELY NO, NO  
HESITATION

13           IN HIS STATEMENTS WHEN HE SAID THIS IS THE  
WORST

14           POSSIBLE PLACE TO PUT A LANDFILL IN SOUTHERN  
15           CALIFORNIA. HE VERY CLEARLY SAID THAT. HE  
SAID

16           THAT BECAUSE OF THE VERY CLEAR FAULTING  
EVIDENCE

17           THAT HE SAW. NOW, IT SEEMS TO ME THAT THAT  
THEN

18           FALLS BACK ON YOU FOLKS TO NOT CONCUR WITH

THIS.

19                   YOU MUST SEND THIS BACK AND NOT CONCUR.

20                               BUT EVEN MORE IMPORTANT THAN

THAT,

21                   WHEN I HEAR WHAT WAS SAID TODAY -- OUR CITY

22                   ATTORNEYS ARE GOING TO GET UP AND SPEAK TO THIS

A

23                   LITTLE BIT.   I GUESS IT'S A MATTER OF

24                   INTERPRETATION, ISN'T IT, WHEN YOU READ A STATE

25                   LAW?   WHEN I READ THE STATE LAW THAT YOUR

1           ATTORNEYS WERE JUST TALKING, IT WAS VERY CLEAR.  
2           IF THERE'S AN APPEAL PROCESS GOING ON WITH THE  
3           STATE WATER QUALITY BOARD, VERY CLEARLY SAYS YOU  
4           WILL NOT DO ANYTHING IF THESE THREE ACTIONS HAVE  
5           BEEN TAKEN.

6                           I WOULD SUGGEST TO YOU THAT YOU  
7           SHOULD FOLLOW THOSE STATE LAWS. IT VERY CLEARLY  
8           STATES IT. I'M NOT A LAWYER. I'M JUST A SIMPLE  
9           SMALL TOWN MAYOR. I READ ENGLISH PRETTY WELL, AND  
10          MY READ OF THE ENGLISH LANGUAGE IN THIS PARTICULAR  
11          CASE SAYS YOU REALLY SHOULDN'T BE DOING THIS  
12          TODAY. AND SINCE IT HAS NOW STOPPED THE TIME  
13          CLOCK FOR THE 60 DAYS THAT YOU HAVE TO REVIEW  
14          SOMETHING, THERE'S NO URGENCY IN THIS.

15                          IF THERE IS A SERIES OF EARTHQUAKE  
16          FAULTS THAT HAVE JUST BEEN DISCOVERED IN THIS  
17          LANDFILL, FOR WHATEVER REASON THEY WEREN'T  
18          DISCOVERED BEFORE ISN'T REALLY IMPORTANT. THE  
19          FACT IS THAT A VERY WORLD RENOWN GEOLOGIST HAS  
20          FOUND THEM THERE. I BELIEVE YOU HAVE A  
21          RESPONSIBILITY TO THE CITIZENS OF MY TOWN AND TO  
22          THE VALLEY OF SANTA CLARA VALLEY TO STOP THIS  
23          PROCESS AND LET THE STATE WATER QUALITY BOARD THEN  
24          FULLY REVIEW THIS SO THAT THEY CAN FULLY SEE IF  
25          THERE IS INDEED EARTHQUAKE FAULTS THERE. AND IF

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1           THERE IS, WHEN IT COMES BACK TO YOU THE NEXT TIME,  
2           YOU ARE GOING TO DENY THIS BECAUSE THE LAWS ARE  
3           VERY CLEAR. EARTHQUAKE FAULTS ARE NOT, ABSOLUTELY  
4           NOT SUPPOSED TO BE UNDERNEATH LANDFILLS.

5                       I URGE YOU TODAY TO EITHER POSTPONE  
6           THIS UNTIL AFTER THE WATER QUALITY BOARD HAS HEARD  
7           THIS, AND WE HAVEN'T HEARD BACK FROM THEM WHEN  
8           THEY'RE GOING TO HEAR IT, BUT I KNOW IT'S GOING TO  
9           BE WITHIN THE NEXT 60 DAYS, AND UNTIL THAT TIME,  
10          EITHER DON'T -- EITHER DON'T MAKE YOUR DECISION  
11          TODAY OR DENY THIS PROJECT BECAUSE OF THIS NEW  
12          INFORMATION. THANK YOU.

13                      BOARD MEMBER FRAZEE: QUESTION.

14                      CHAIRMAN PENNINGTON: YES. ANY  
15          QUESTIONS?

16                      BOARD MEMBER FRAZEE: MAYOR, IN REVIEWING  
17          THE MATERIAL ON THIS APPLICATION, I NOTED THAT  
18          THERE WERE AT LEAST FOUR OTHER SEISMOLOGISTS OTHER  
19          THAN DR. YEATS THAT REVIEWED THIS PARTICULAR SITE.  
20          AND I ALSO BELIEVE THAT HE IS A RESIDENT OF THE  
21          STATE OF OREGON; IS THAT CORRECT?

22                      MAYOR CAMPBELL: YES, HE IS.

23                      BOARD MEMBER FRAZEE: DID HE ACTUALLY  
24          CONDUCT TESTS AND LOOK AT THE TRENCHING THAT THE  
25          OTHER SEISMOLOGISTS HAD DONE?

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1                   MAYOR CAMPBELL:   YES.

2                   BOARD MEMBER FRAZEE:   HE VISITED THE  
3                   SITE.

4                   MAYOR CAMPBELL:   HE VISITED THE SITE WITH  
5                   THE FUGRO GEOLOGIST AND SAID IN HIS LETTER -- LET  
6                   ME GET IT OUT -- IN HIS LETTER HE CLEARLY STATED  
7                   ON ONE OF THE -- WRONG SET OF PAPERS.   HE CLEARLY  
8                   STATED -- OH, WHERE IS IT? -- ON PAGE 3 OF HIS  
9                   LETTER, "FUGRO STATED THAT THE ALLUVIAL-FAN  
10                  MATERIAL WAS MAPPED AS A LANDSLIDE BECAUSE THEY  
11                  IDENTIFIED A LOW-ANGLE SHEAR FEATURE SOUTH OF  
12                  LOCALITY 2 THAT THEY CONSIDERED TO BE A LANDSLIDE  
13                  SURFACE.   WE VISITED THIS LOCALITY" -- THAT'S HIM  
14                  TALKING, HIM AND THE FUGRO PEOPLE" -- IN THE  
15                  FIELD; THE FLEXURAL SLIP FAULTS WERE STILL  
16                  VISIBLE."   FAULTS WERE STILL VISIBLE.

17                  NOW, HE LOOKED AT TRENCHING LOGS.  
18                  HE LOOKED AT PHOTOGRAPHS THAT WERE TAKEN OF  
19                  TRENCHING LOGS.   AND FURTHER ON IN THIS LETTER IT  
20                  SAYS, CLEARLY IN THESE PICTURES, IT'S A CLASSIC  
21                  EXAMPLES OF FAULTS.   CLASSIC EXAMPLES OF FAULTS.  
22                  THIS IS A WORLD RENOWN GEOLOGIST.   SOMEBODY THAT  
23                  USED TO LIVE IN VENTURA COUNTY.   NOW, THE REASON  
24                  HE'S NOT HERE TODAY IS BECAUSE I BELIEVE HE'S  
25                  STILL IN CHINA GIVING LECTURES IN CHINA RIGHT NOW

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1 OR IN INDONESIA, I'M NOT SURE WHICH IT IS.

2 THE BOTTOM LINE IS, YES, THERE'S  
3 BEEN FOUR OTHER PEOPLE LOOK AT IT. THEY ARE NOT  
4 FAMILIAR -- MY UNDERSTANDING OF IT, THEY ARE NOT  
5 FAMILIAR WITH THE TYPE OF FAULTING. THIS IS A  
6 BRAND NEW TYPE OF FAULTING THAT'S JUST BEEN  
7 DISCOVERED. AND I'LL GIVE YOU AN EXAMPLE OF WHAT  
8 IT IS. IT WAS DONE VERY WELL THE OTHER DAY AT A  
9 MEETING I WAS AT AND I'LL TRY TO DO IT BRIEFLY.

10 THE SANTA CLARA VALLEY, AND SOME OF  
11 YOU HAVE BEEN THERE AND ARE AWARE OF THIS, IS A  
12 RIVER VALLEY. THERE'S MOUNTAINS ON BOTH SIDES.  
13 THOSE MOUNTAINS ARE SLOWLY PUSHING TOGETHER,  
14 MAKING THE VALLEY SHORTER OR NARROWER. AS THAT  
15 HAPPENS, THOSE FAULTS, THOSE LAYERS OF LAND FOLD  
16 UP LIKE THIS (INDICATING). AND AS THEY DO THAT,  
17 AS THEY DO THAT, THEN YOU SEE MANY, MANY FAULTS.  
18 THAT'S WHY HE SAID THERE'S A SPIDER WEB EFFECT OF  
19 FAULTS. THIS IS SOMETHING THAT THEY HAVE JUST  
20 DISCOVERED IN RECENT YEARS.

21 DR. YEATS SAYS THERE'S ONLY THREE  
22 PLACES IN THE WORLD THAT HE KNOWS OF THAT HAS THIS  
23 TYPE OF FAULTING. ONE OF THEM IS THE SANTA CLARA  
24 RIVER VALLEY. THIS PARTICULAR LANDFILL, THIS  
25 PARTICULAR AREA FOR THIS LANDFILL IS RIGHT AT THE

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1           EDGE OF THIS MOUNTAIN BASE IN A BOX CANYON THAT IS  
2           SLOWLY CLOSING TOGETHER. I GUESS IN OUR LIFETIME  
3           WE'RE NOT GOING TO SEE IT MOVE TOO MUCH, BUT, IN  
4           FACT, IT IS CLOSING TOGETHER.

5 LET ME TELL YOU THAT EARTHQUAKES  
6 HAPPEN IN THE VALLEY. THEY WILL CONTINUE TO  
7 HAPPEN. THIS IS AN ACTIVE FAULT ACCORDING TO DR.  
8 YEATS. IT SEEMS TO ME THAT ALL THIS  
9 INFORMATION -- BECAUSE IT'S ALL NEW INFORMATION  
10 THAT THE BOARD OF SUPERVISORS HAD NOT HAD A CHANCE  
11 TO LOOK AT, PLANNING COMMISSION DID NOT HAVE A  
12 CHANCE TO LOOK AT, THAT THIS IS JUST WAY TOO SOON  
13 TO MAKE THESE DECISIONS. WATER QUALITY BOARD, WHO  
14 WAS THE ONE MOST CONCERNED, I SUPPOSE, ABOUT THE  
15 EARTHQUAKE FAULTING, THE STATE WATER QUALITY BOARD  
16 NEEDS TO HAVE TIME TO REVIEW THIS, AND I ASK YOU  
17 TO GIVE THIS TIME BEFORE YOU MAKE YOUR DECISION.

18 CHAIRMAN PENNINGTON: THANK YOU. YES,  
19 MR. CHESBRO.

20 BOARD MEMBER CHESBRO: I'VE BEEN AN  
21 ADVOCATE ON THIS BOARD OF GOING SLOW ON ISSUING  
22 OPERATING PERMITS IF THE WATER BOARD ISSUES HAVE  
23 NOT BEEN FULLY RESOLVED. SO I'M INTERESTED IN THE  
24 FACT THAT A STAY HAS BEEN APPLIED FOR.

25 ON THE OTHER HAND, THE QUESTION THAT

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1 WE NEED TO ASK OURSELVES IS IS THE POTENTIAL  
2 IMPACT ALREADY ON SITE, OR IS THE IMPACT GOING TO  
3 BE THE RESULT OF THE ACTION THIS BOARD TAKES IF IT  
4 CONCURS IN THE PERMIT.

5 SO I'D LIKE TO ASK YOU WHETHER OR  
6 NOT YOU THINK THAT THE RISK FROM -- LET'S ASSUME  
7 THAT THE FAULT IS THERE AND THAT THE WATER  
8 BOARD -- HYPOTHETICALLY THE STATE BOARD DECIDES TO  
9 ISSUE A STAY AND THEN EVENTUALLY SAYS THAT THERE'S  
10 A SERIOUS PROBLEM. IS IT YOUR CONTENTION THAT THE  
11 RISK WOULD BE GREATLY MAGNIFIED AS A RESULT OF  
12 ADDING ADDITIONAL WASTE BEYOND WHAT HAS ALREADY  
13 BEEN ALLOWED AND IS BEING ALLOWED CURRENTLY ON  
14 THIS SITE? I'M TRYING TO SORT THIS OUT IN TERMS  
15 OF WHETHER OR NOT IT'S OUR PERMIT THAT WILL  
16 SIGNIFICANTLY INCREASE OR ANY ENVIRONMENTAL  
17 IMPACT.

18 MAYOR CAMPBELL: BEST WAY I CAN ANSWER  
19 THAT IS IF YOU TOOK -- I DON'T KNOW IF YOU FLEW  
20 INTO UKIAH AIRPORT OR DROVE BY IT TODAY, BUT IF  
21 TOOK THAT SMALL AIRPORT AT UKIAH AND SAID WE'RE  
22 GOING TO, BECAUSE IT'S AN AIRPORT, WE'RE GOING TO  
23 REVISE THE PERMIT FOR THAT AIRPORT, AND WE'RE  
24 GOING TO MAKE IT INTO AN INTERNATIONAL AIRPORT THE  
25 SIZE OF SAN FRANCISCO AIRPORT OR LAX, WILL THAT

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1           SIGNIFICANTLY INCREASE THE CAUSE OF HAZARDS OR  
2           SIGNIFICANTLY INCREASE A PROBLEM HERE? I'D SAY,  
3           YEAH, IT WOULD.

4                   BOARD MEMBER CHESBRO: WE ARE ALSO  
5           TALKING ABOUT THE TIME FRAME THAT THE STATE WATER  
6           BOARD TAKES TO DECIDE WHETHER IT CONCURS THAT  
7           THERE'S A SIGNIFICANT ISSUE OR NOT.

8                   MAYOR CAMPBELL: IT'S A 60-DAY PROCESS, I  
9           BELIEVE. OUR CITY ATTORNEY IS GOING TO BE ABLE TO  
10          SPEAK TO THIS BETTER THAN I CAN, THE LEGAL PART OF  
11          IT.

12                   BOARD MEMBER CHESBRO: SO YOU ARE SAYING  
13          THAT YOU BELIEVE THE ULTIMATE MAGNITUDE THAT THIS  
14          PERMIT WOULD ALLOW TO BE PLACED THERE IF IT ALL  
15          WENT IN THE LANDFILL WOULD SIGNIFICANTLY INCREASE  
16          THE RISK.

17                   MAYOR CAMPBELL: GREATLY SIGNIFICANTLY  
18          INCREASE IT. LET ME JUST SAY ONE LAST THING.  
19          THIS ISN'T ABOUT WHAT DO WE DO WITH THE TRASH. WE  
20          DON'T HAVE ANYPLACE TO PUT IT BECAUSE BAILARD  
21          LANDFILL IS GOING TO CLOSE THE END OF THIS NEXT  
22          MONTH. THERE ARE TWO OTHER LANDFILLS IN THE AREA  
23          THAT HAVE THE CAPACITY TO TAKE THE TRASH IN THE  
24          MEANTIME UNTIL THIS ISSUE IS RESOLVED.  
25                   THANK YOU.

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1                   CHAIRMAN PENNINGTON:   THANK YOU, MR.  
2                   CAMPBELL.   ANY OTHER QUESTIONS OF MR. CAMPBELL?

3                   NEXT WE HAVE ROGER MYERS.

4                   MR. MYERS:   GOOD MORNING.   I'M ROGER  
5                   MYERS.   I'M THE CITY ATTORNEY FOR FILLMORE.   IN  
6                   ADDITION TO THE DISCRETIONARY ISSUES WHICH WE TAKE  
7                   ISSUE WITH AS TO WHETHER OR NOT THEY'RE  
8                   DISCRETIONARY, I'D LIKE TO GIVE YOU -- WITH  
9                   RESPECT TO THIS REQUEST FOR THE STAY, I'D LIKE TO  
10                  GIVE YOU ANOTHER REASON WHY I THINK IT WOULD BE  
11                  IMPORTANT AND APPROPRIATE FOR YOU TO CONTINUE YOUR  
12                  HEARING.

13                  I'VE ENJOYED MY VISIT HERE IN  
14                  MENDOCINO.   AS YOU MAY HAVE RECALLED, WITH RESPECT  
15                  TO THE PERMITTING AND ENFORCEMENT COMMITTEE, I  
16                  ADVISED YOU I HAD BEEN ON VACATION AND TRAVELED  
17                  OVER FROM MAMMOTH MOUNTAIN TO COME TO YOUR HEARING  
18                  IN SACRAMENTO.   SO I'VE HAD SOME NICE TRAVEL IN  
19                  CONNECTION WITH THIS PARTICULAR CASE.   AND  
20                  MENDOCINO COUNTY IS A LOVELY PLACE TO VISIT, AND  
21                  WE'VE REALLY ENJOYED THE LAST COUPLE OF DAYS, BUT  
22                  IT IS SEVERAL MILES FROM VENTURA.

23                  AND THE DECISION THAT YOU ARE ASKED  
24                  TO MAKE TODAY IMPACTS THOSE PEOPLE SOME 4 OR 5,  
25                  600 MILES AWAY.   WE'VE ONLY RECEIVED YOUR STAFF

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1           REPORT, THIS STAFF REPORT, LAST FRIDAY.  QUITE  
2           FRANKLY, DURING THE COURSE OF THESE PROCEEDINGS,  
3           WE'VE NEVER SEEN WHAT VRSD HAS SUBMITTED.  WE DO  
4           KNOW, AS MAYOR CAMPBELL SAID A FEW MINUTES AGO,  
5           THAT WHEN THERE HAVE BEEN HEARINGS SET IN VENTURA  
6           COUNTY, THERE HAVE BEEN DOZENS OF PERSONS WHO HAVE  
7           SPOKEN IN OPPOSITION TO THIS PROJECT.

8                       WHAT I'M SAYING, TRYING TO DO IT  
9           TACTFULLY, IN MY FOOTBALL PLAYING DAYS, MY COACH  
10          TOLD ME I COULD NEVER FINESSE ANYTHING, JUST GO  
11          STRAIGHTFORWARD AHEAD.  SO TO PUT IT BLUNTLY, WE  
12          HAVE SOME GREAT CONCERNS ABOUT THE PROCEDURAL DUE  
13          PROCESS OF HAVING THIS HEARING THIS FAR AWAY FROM  
14          VENTURA COUNTY WITH SO MUCH INTEREST IN IT AND SO  
15          MUCH IMPACT THAT THIS PARTICULAR PROJECT IS GOING  
16          TO HAVE IN THE SANTA CLARA VALLEY.

17                      WITH RESPECT TO THIS REQUEST FOR A  
18          STAY, IT WAS ALSO A REQUEST FOR RECONSIDERATION AT  
19          THE REGIONAL QUALITY CONTROL BOARD.  I DON'T MAKE  
20          TREMENDOUS PREDICTIONS IN THE LEGAL PROFESSION.  I  
21          DO THINK WE HAVE AT LEAST A VERY GOOD CHANCE TO  
22          CONVINCE THE REGIONAL BOARD TO RECONSIDER THEIR  
23          DECISION BY THE FULL BOARD.

24                      AND I SAY THAT FOR THIS REASON.  I  
25          THINK WE HAVE PRETTY GOOD AUTHORITY THAT THE

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1           DELEGATION OF THESE EARTHQUAKE ISSUES, WHICH  
2           YOU'VE HEARD MAYOR CAMPBELL TESTIFY TO, AND THREE  
3           OF YOU HEARD QUITE A LOT OF TESTIMONY AT YOUR  
4           REVIEW COMMITTEE BEFORE IT CAME HERE, I THINK WE  
5           HAVE A VERY GOOD ISSUE. AND I THINK WE'VE GOTTEN  
6           SOME STAFF CONCURRENCE ON THAT ISSUE NOW, THAT  
7           THIS WOULD BE AN IMPROPER DELEGATION OF AUTHORITY  
8           TO THE REGIONAL DIRECTOR, AND THAT THIS SHOULD AND  
9           MAY WELL COME BACK TO THE WHOLE BOARD.

10                       SO FOR THOSE REASONS, I WOULD URGE  
11           YOUR BOARD TO, IF IT IS DISCRETIONARY, MS. STONE  
12           FROM MY OFFICE IS FAR MORE VERSED IN THESE ISSUES  
13           THAN I WILL ADDRESS THAT MORE SPECIFICALLY, BUT IT  
14           WOULD SEEM TO ME THAT, WHETHER IT'S DISCRETIONARY  
15           OR MANDATORY, THAT YOU POSTPONE YOUR DECISION  
16           GIVEN THAT WITH THIS -- YOU MAY OR MAY NOT BUY THE  
17           DUE PROCESS THING I'VE SAID, BUT IT JUST SEEMS TO  
18           ME THAT THE IMPORTANCE OF THIS NEEDS FURTHER  
19           DECISION, ANALYSIS WHICH HASN'T BEEN DONE,  
20           PARTICULARLY WITH THIS EARTHQUAKE ISSUE.

21                       SO I'D URGE YOU TO, WHETHER  
22           IT'S  
23           DISCRETIONARY OR, AS WE TAKE THE POSITION,  
24           MANDATORY, THAT YOU POSTPONE YOUR DECISION  
25           THAT

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24                   YOU DO THAT AND THAT YOU CONDUCT THIS HEARING  
IN  
25                   AN AREA CLOSER TO VENTURA COUNTY, WHETHER IT  
BE



1           SANTA BARBARA OR LOS ANGELES, SOME SOUTHERN  
2           CALIFORNIA LOCATION, WHERE WE CAN HAVE BETTER  
3           INPUT AND MORE PERSONS AVAILABLE TO GIVE YOU  
4           INFORMATION, WHICH I THINK YOU NEED IN ORDER TO  
5           MAKE THIS DECISION.   THANK YOU.

6                   CHAIRMAN PENNINGTON:   THANK YOU.   ANY  
7           QUESTIONS OF MR. MYERS?   OKAY.   NEXT WE HAVE  
8           KATHERINE STONE.

9                   MS. STONE:   GOOD MORNING.   I AM THE LEAD  
10          ATTORNEY IN THE LAWSUIT FILED BY THE CITIES OF  
11          FILLMORE AND SANTA PAULA AGAINST THE PROJECT.   THE  
12          LAWSUIT'S PREMATURE, OF COURSE, BECAUSE THE  
13          ADMINISTRATIVE PROCESS IS STILL ONGOING.   AND THIS  
14          PROCESS, IF YOU ISSUE THE PERMIT TODAY, THEY WILL  
15          START DISPOSING OF 12 TIMES THE AMOUNT OF TRASH  
16          PER DAY NEXT MONTH.   AND THAT'S NOT NECESSARY.

17                   AS THE MAYOR POINTED OUT, THERE IS  
18          CAPACITY -- THERE'S ACTUALLY COMPETITION FOR WASTE  
19          IN VENTURA AND SOUTHERN CALIFORNIA RIGHT NOW.  
20          THEY'RE TRYING TO OUTBID EACH OTHER.   SO IT'S NOT  
21          LIKE WE HAVE A TRASH CRISIS OR A REASON TO RUSH  
22          THIS PROJECT THROUGH.

23                   I READ THE SECTION -- I'M NOT AN  
24          EXPERT IN YOUR LAW.   JUST READING IT, AND I JUST  
25          GOT INTO IT WHEN I REALIZED THIS PROCESS WAS

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1 COMING UP, BUT I READ THIS IN A COMMON SENSE WAY.  
2 AND IT DOES NOT SEEM TO GRANT ANY DISCRETION TO GO  
3 FORWARD. THERE ARE NO CASES INTERPRETING THIS  
4 SECTION, AND I DON'T SEE ANY LEGISLATIVE HISTORY  
5 PUBLISHED IN THE CODE.

6 SO EVEN IF THERE WERE DISCRETION, IT  
7 WOULD BE VERY LIMITED BECAUSE YOU'RE LIKE MOST  
8 STATE AGENCIES, AND I USED TO BE IN THE ATTORNEY  
9 GENERAL'S OFFICE AND REPRESENTED A LOT OF SIMILAR  
10 AGENCIES. YOU ARE A 1094.5 WITH THE DUE PROCESS  
11 HEARING, ABUSE OF DISCRETION IS A STANDARD.  
12 THERE'S SUPPOSED SUBSTANTIAL EVIDENCE UPON WHICH  
13 YOU BASE YOUR DECISION. IT HAS TO BE CREDIBLE  
14 EVIDENCE, THE KIND THAT THE COURT CAN TAKE  
15 ADVANTAGE OF. AND IF YOU DON'T PROCEED IN THE  
16 MANNER REQUIRED BY LAW, THEN THERE'S ABUSE OF  
17 DISCRETION.

18 I HAVE BEEN ASKED HERE NOT ONLY  
19 TO  
20 REPRESENT FILLMORE AND SANTA PAULA, BUT THE  
21 OTHER  
22 TWO GROUPS THAT HAVE ALSO FILED LAWSUITS AS A  
23 PRECAUTIONARY MATTER. ONE IS THE SCHOOL  
24 DISTRICT.

25 RIGHT DOWN THE ROAD FROM THIS LANDFILL IS AN

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23                   HISTORIC ONE-ROOM SCHOOLHOUSE, LITTLE RED  
24                   SCHOOLHOUSE.   AND ALL THE IMPACTS OF THE  
TRAFFIC  
25                   AND EARTHQUAKE, FLOODING, AND TRASH WILL GO  
RIGHT

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1           INTO THAT LITTLE SCHOOLHOUSE.  THEY DON'T HAVE  
2           MUCH MONEY, AND THEY COULDN'T BE HERE TODAY, SO  
3           THEY ASKED ME TO SPEAK FOR THEM AS WELL.  THE  
4           OTHER GROUP ARE THE SURROUNDING FARMERS, WHO

HIRED

5           AN INDEPENDENT GEOLOGIST, DR. YEATS, AND HIS  
6           ASSISTANT, MR. HOFFSTILE, AT GREAT EXPENSE, GREAT  
7           EXPENSE.

8                           THEY HIRED THE BEST PERSON THEY  
9           COULD FIND TO DO SOME INDEPENDENT, INDEPENDENT  
10          INVESTIGATION AS TO THE EARTHQUAKE SITUATION.

AND

11          ONE THING THAT REALLY, REALLY IRRITATES ME IS  
12          SOMEONE STARTED A RUMOR THAT THAT EXPERT WAS

BEING

13          PAID FOR BY A COMPETITOR LANDFILL, WASTE  
14          MANAGEMENT, WHICH IS ABSOLUTELY FALSE.  THAT  
15          WAS -- THAT RUMOR WAS STARTED TO TRY TO INFLUENCE  
16          THE REGIONAL WATER BOARD BECAUSE IT HAD WORKED  
17          BEFORE IN THE SUNSHINE CANYON SITUATION.

18                           MAYBE SOME OF YOU SAW THE WALL\_  
19          STREET\_JOURNAL ARTICLE ABOUT THAT.  BUT THERE WAS

20                           \_\_\_\_\_  
21          A STATEMENT THERE BY MR. NELSON, THE GEOLOGIST  
FOR

21          REGIONAL BOARD, THAT HE WOULD BE INFLUENCED IF

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22           WASTE MANAGEMENT WAS PAYING FOR GEOLOGIC STUDIES.  
23           THAT WAS NOT THE SITUATION HERE, BUT THAT RUMOR  
24           WAS SPREAD. ON THAT BASIS ALONE, I SUSPECT THE  
25           REGIONAL BOARD MAY VERY WELL GRANT OUR REQUEST  
FOR

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1 REHEARING BECAUSE THERE MAY HAVE BEEN PREJUDICE  
2 THERE.

3 AND THERE WERE TWO GEOLOGISTS HIRED  
4 BY THE LANDOWNERS. THE THREE GEOLOGISTS THAT ARE  
5 REFERENCED BY THE VSRD ARE THE TWO ENVIRONMENTAL  
6 IMPACT REPORT GEOLOGISTS. AS YOU KNOW, PEOPLE  
WHO

7 WRITE EIR'S, THEY MAY BE QUALIFIED TO WRITE  
EIR'S,

8 BUT THEY'RE NOT NECESSARILY THE BEST QUALIFIED  
9 GEOLOGISTS TO GO OUT AND STUDY A PARTICULAR TYPE  
10 OF FAULTING. AND THE OTHER ONE WAS THE COUNTY  
11 GEOLOGIST, WHO'S A GENERALIST.

12 ANOTHER REASON TO STAY THE ACTION,  
13 AND I THINK THAT IT WOULD BE ABUSE OF DISCRETION  
14 FOR YOU TO GO FORWARD UNDER THESE CIRCUMSTANCES.  
15 THERE ARE A LOT OF OTHER REASONS WHY YOU  
SHOULDN'T

16 GO FORWARD TODAY. ONE IS THE ENVIRONMENTAL  
REVIEW

17 HAS GOT TO BE DONE. THERE'S GOT TO BE A  
18 SUPPLEMENTAL EIR WITH THIS INFORMATION.

19 THIS IS COUPLED WITH THE FACT THAT  
20 THERE IS CREDIBLE EVIDENCE -- THERE IS EVIDENCE  
OF

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21               LEAKAGE.   THE LANDFILL IS UNLINED, AS YOU  
PROBABLY  
22               KNOW.   IT WAS BUILT IN 1970.   DOESN'T MEET  
CURRENT  
23               MINIMUM STANDARDS.   THE EARTHQUAKE FAULTING GOES  
24               RIGHT THROUGH IT.  
25                       IT'S A 400 FOOT WIDE ZONE OF FAULTS



1           RIGHT THROUGH THE BOTTOM THIRD OF IT AND INTO THE  
2           NEW AREA AS WELL.  NOW, IT MAY BE THE LAW THAT IF  
3           YOU HAVE AN OLD LANDFILL THAT'S ON AN EARTHQUAKE  
4           FAULT, YOU CAN KEEP DOING WHAT YOU WERE DOING  
5           THERE, BUT YOU CERTAINLY CANNOT INCREASE THE  
6           DISPOSAL 12 TIMES UNDER ANY LAW THAT I KNOW OF.  
7           AND I'VE CITED YOU A CASE IN THE MATERIAL I  
8           SUBMITTED INVOLVING THE AZUSA LANDFILL WHERE THE  
9           COURT SAID THAT A TRIPLING OF THE DISPOSAL WAS A  
10          NEW PROJECT AND NOT JUST AN EXPANSION OF THE  
11          EXISTING PROJECT.

12                       AND WE HAVE HERE A FIVE-TIME  
13          CAPACITY, 12-TIME DISPOSAL RATE.  THERE ARE LOT OF  
14          OTHER REASONS THAT WE SET FORTH IN THE MATERIALS  
15          THAT WE'VE SUBMITTED AND OTHERS WHY WE THINK IT'S  
16          ESSENTIAL THAT YOU NOT TAKE ACTION TODAY TO ALLOW  
17          THIS TO GO FORWARD.

18                      AND I MUST SAY THAT ANOTHER THING  
19          THAT IS VERY DISTURBING TO ME, WHEN TALKING ABOUT  
20          PUBLIC AGENCIES IN HERE, TALKING ABOUT A PUBLIC  
21          AGENCY THAT ACTUALLY ACQUIRED THIS LANDFILL, WHICH  
22          WAS SET UP FOR FILLMORE AND SANTA PAULA, TO SERVE  
23          THOSE TWO CITIES, AND NOW IT WANTS TO EXPAND IT TO  
24          STAY IN BUSINESS, FOR NO OTHER GOOD REASON, TO  
25          SERVE THE WHOLE COUNTY AND MAYBE LOS ANGELES, IF

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1           THEY GET THEIR RATES DOWN ENOUGH TO COMPETE. IT'S  
2           VERY DISTURBING TO ME THAT THEY BRING A WHOLE GANG  
3           OF PEOPLE UP HERE AND BROUGHT A WHOLE GANG TO  
4           SACRAMENTO, AND THEY HAVE A HUGE BUDGET. THEIR  
5           LEGAL BUDGET IS SOMETHING LIKE \$200,000 TO GET  
6           THIS PERMITTED.

7                         AND WE HAVE TWO SMALL CITIES THAT  
8           CAN'T EVEN, YOU KNOW, HAVE A VOLUNTEER FIRE  
9           DEPARTMENT AND A LITTLE SCHOOL DISTRICT THAT  
10          REALLY CAN'T AFFORD THIS KIND OF THING. IT JUST  
11          DOESN'T SEEM FAIR. AND I THINK THAT THERE IS A  
12          QUESTION OF FUNDAMENTAL FAIRNESS, DUE PROCESS HERE  
13          THAT YOU AS A BOARD SHOULD RECOGNIZE, AND I HOPE  
14          YOU WILL. THANK YOU.

15                       CHAIRMAN PENNINGTON: THANK YOU. ANY  
16          QUESTIONS OF MS. STONE?

17                       I WOULD COMMENT, THOUGH, THAT I  
18          THINK IT'S IMPORTANT FOR YOU TO KNOW THAT THE  
19          MAJORITY OF THE BOARD HAS BEEN TO THE LANDFILL,  
20          HAS COME DOWN AND LOOKED AT IT, HAS TALKED TO  
21          PEOPLE OTHER THAN THOSE WHO ARE PROPOSING, THE  
22          SUPPORTERS OF THE PERMIT. SO, YOU KNOW, I WANT  
23          THE RECORD TO SHOW THAT THIS BOARD IS PRETTY OPEN  
24          AND CERTAINLY, BECAUSE IT HAPPENED TO FALL HERE IN  
25          UKIAH, WAS NOT A PLAN ON OUR PART TO SEPARATE IT

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1 FROM THE PROCEEDINGS.

2 MS. STONE: I WISH WE HAD KNOWN WHEN YOU  
3 DID VISIT THE LANDFILL. IT WOULD HAVE BEEN -- I'M  
4 SURE THAT YOU WOULD HAVE BEEN ACCOMPANIED BY A LOT  
5 OF INTERESTED PEOPLE. IT'S IMPORTANT TO DO THAT.

6 THERE IS ONE OTHER MATTER ABOUT  
7 IRREPARABLE HARM. I'M SURE YOU DIDN'T SEE THE  
8 EVIDENCE OF THE FAULTING. AND I WAS TOLD BY ONE  
9 OF THE GEOLOGISTS, AND THE REPORTS INDICATE, THAT  
10 THE TRENCHING THAT WAS DONE BY THE CONSULTANTS FOR  
11 THE VRSD DESTROYED A LOT OF THIS EVIDENCE OF THIS  
12 PARTICULAR TYPE OF FAULTING. THERE IS A PLACE  
13 LEFT WHERE IT SHOWS, AND WE ARE CONCERNED THAT IF  
14 THE LANDFILL OPERATIONS ARE EXPANDED, AS THEY  
15 MIGHT OCCUR UNDER THE PERMIT TO GO FORWARD,  
16 NOTWITHSTANDING THE SETBACK, THAT THIS EVIDENCE,  
17 THIS ADDITIONAL EVIDENCE, COULD BE DESTROYED.

18 CHAIRMAN PENNINGTON: THANK YOU. ANY  
19 OTHER QUESTIONS OF MS. STONE?

20 NEXT WE HAVE ED MCCOMBS.

21 MR. MCCOMBS: CHAIRMAN PENNINGTON AND  
22 HONORABLE MEMBERS OF THE BOARD, I'M ED MCCOMBS,  
23 THE GENERAL MANAGER OF THE VENTURA REGIONAL  
24 SANITATION DISTRICT. I'M QUITE PLEASED TO BE

HERE

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25 WITH A GROUP FROM VENTURA COUNTY WHO FEEL THAT

1 IT'S EXTREMELY IMPORTANT THAT THIS PROJECT MOVE  
2 FORWARD.

3 WE FEEL THAT IT'S IMPORTANT TO CALL  
4 TO YOUR ATTENTION SOME OF THE BASICS, GIVEN WHAT  
5 HAS JUST BEEN SAID, WHICH TENDS TO MAKE IT SOUND  
6 AS THOUGH THIS PROJECT HAS NOT BEEN ONE WHICH WAS  
7 VERY CAREFULLY THOUGHT THROUGH AND ONE WHICH HAS  
8 HAD THE KIND OF EXPERT STUDY AND TESTIMONY THAT  
9 HAS TAKEN PLACE BEFORE MANY VENUES IN THE PAST  
10 SEVERAL MONTHS THAT THIS ONE HAS HAD.

11 IN THE FIRST PLACE, THE COUNTY OF  
12 VENTURA BOARD OF SUPERVISORS, AS YOUR STAFF HAS  
13 REPORTED, DID VOTE TO ISSUE A CONDITIONAL USE  
14 PERMIT. THE COUNTY OF VENTURA HAS REPRESENTATION  
15 HERE, AND THE PLANNING DEPARTMENT REPRESENTATIVE  
16 WOULD BE PLEASED TO LET YOU KNOW THAT, AS FAR AS  
17 THE COUNTY IS CONCERNED, THIS PROJECT MEETS THE  
18 VARIOUS LAND USE, GENERAL PLAN CONFORMANCE, AND  
19 OTHER REQUIREMENTS.

20 ONE OF THE THINGS THAT HAS BEEN  
LOST

21 IN WHAT HAS BEEN SAID SO FAR BY THE OPPONENTS IS  
22 THAT THIS PROJECT IS ENVIRONMENTALLY SOUND.

THOSE

23 OF YOU WHO HAVE VISITED THE SITE RECOGNIZE THE

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24                   NATURAL CHARACTERISTICS OF THE SITE WHICH MAKE  
IT  
25                   AN EXCELLENT SITE TO HAVE A LANDFILL.



1 WE HAVE OPERATED SINCE 1972, THIS  
2 PARTICULAR LANDFILL, WHICH HAD BEEN IN EXISTENCE  
3 FOR TWO YEARS PRIOR TO THE REGIONAL DISTRICT  
4 TAKING IT OVER, AND WE HAVE AN EXCELLENT RECORD  
OF  
5 COMPLIANCE. AND I'M SURE THAT IF YOU ARE  
6 INTERESTED IN HEARING FROM THEM, THAT THE LEA  
7 REPRESENTATIVE WILL BE HAPPY TO COMMENT ON OUR  
8 COMPLIANCE WITH ALL REQUIREMENTS.

9 WITH RESPECT TO URGENCY, WHY NOT  
10 DELAY, I WOULD LIKE TO INDICATE TO YOU THAT WE  
ARE  
11 TOTALLY OPPOSED TO ANY DELAY IN THE  
12 DECISION-MAKING PROCESS FOR THE REASON THAT WE  
13 HAVE GONE THROUGH A VERY LENGTHY, INTENSIVE  
14 PROCESS OF DEVELOPING ALL THE FACTUAL INFORMATION  
15 WHICH WE HAVE WITH US. WE WON'T BURDEN YOU WITH  
16 UNDOING THESE CARTONS OF THE ADMINISTRATIVE  
17 RECORD, BUT ALL OF THE VOLUMES OF STUDY THAT HAVE  
18 BEEN ACCOMPLISHED IN A VERY INTENSE FASHION ARE  
19 HERE WITH US TODAY.

20 IT HAS BEEN VERY CLEAR IN THE  
21 COUNTY'S REVIEW OF THIS PROJECT, THE COUNTY OF  
22 VENTURA'S REVIEW, THAT THIS IS AN ENVIRONMENTALLY  
23 SUPERIOR PROJECT. IT IS A BETTER PROJECT FROM

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THE

24 ENVIRONMENTAL STANDPOINT THAN THE NO PROJECT  
25 ALTERNATIVE.

1                   INSOFAR AS THE NEEDS OF THE PEOPLE  
2                   OF WESTERN VENTURA COUNTY, THERE ARE REPRESen-  
3                   TATIVES OF CITIES WHO ARE ACCOUNTABLE TO 400,000  
4                   PEOPLE WHO HAVE HAD THEIR CITY COUNCILS FIND  
5                   UNANIMOUSLY IN FAVOR OF SUPPORT OF THIS PROJECT.  
6                   OUR DISTRICT IS DEFINITELY COMMITTED TO DO  
7                   EVERYTHING THAT NEEDS TO BE DONE TO FULLY AND  
8                   COMPLETELY COMPLY WITH ALL OF THE MITIGATIONS AND  
9                   CONDITIONS AND THE CONDITIONS OF THE USE PERMIT.  
10                  THERE IS NO QUESTION ABOUT THAT.

11                  INSOFAR AS THE LATE BREAKING  
12                  DEVELOPMENTS, WE JUST LEARNED THIS MORNING FROM  
13                  YOUR STAFF OF A LETTER THAT HAD BEEN FILED, WHICH  
14                  HAS BEEN TALKED ABOUT EARLIER BY THE REPRESen-  
15                  TATIVES OF THE CITY OF FILLMORE AND SANTA PAULA.  
16                  WE ARE OF THE MIND THAT WE HAVE BEEN BESET IN THE  
17                  LAST THREE OR FOUR WEEKS WITH MANY LATE FILINGS.  
18                  THE REGIONAL WATER QUALITY CONTROL BOARD STAFF,  
19                  OUT OF CONSIDERATION, BASED ON A RATHER LATE  
20                  FILING BY DR. YEATS HAVING TO DO WITH THE GEOLOGY  
21                  OF THE SITE, DID ADD A CONDITION IN THEIR APPROVAL  
22                  OF THE WDR'S.

23                  THEY DID ALSO, AS PART OF THE WDR'S,  
24                  FIND THAT THERE WAS NO KNOWN HOLOCENE FAULT IN  
25                  TOLAND CANYON. NOW, WE ARE QUITE CONFIDENT THAT

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1 WE ARE GOING TO, WITH OUR GEOLOGIC EXPERTS, AND AS  
2 HAS BEEN STATED BY MR. FRAZEE, THERE IS, IN OUR  
3 OPINION, A PREPONDERANCE OF EVIDENCE SUPPORTING  
4 OUR POSITION THAT THERE IS NO KNOWN FAULTING  
5 WITHIN THE CANYON. WE'RE CONFIDENT THAT WE'RE  
6 GOING TO BE ABLE TO WORK THIS MATTER OUT WITH THE  
7 REGIONAL WATER QUALITY CONTROL BOARD IN GOOD  
8 ORDER.

9 BUT THE SITUATION IS THAT THE  
10 BAILARD LANDFILL DOES CLOSE ON THE 24TH OF AUGUST.  
11 IT IS EXTREMELY IMPORTANT IN ORDER FOR US TO  
12 CONTINUE TO HAVE A SAFE AND AN ENVIRONMENTALLY  
13 SOUND PLACE FOR OUR CLIENTS, REPRESENTING 400,000  
14 PEOPLE IN VENTURA COUNTY, TO HAUL THE WASTE WHEN  
15 BAILARD CLOSES.

16 I THINK THAT IN ORDER TO GET RIGHT  
17 AT THE HEART OF WHAT HAS BEEN PUT BEFORE YOU TODAY  
18 BY THE OPPOSITION, IT WOULD BE TOTALLY APPROPRIATE  
19 FOR MR. MARK ZIRBEL, OUR GENERAL COUNSEL, TO TALK  
20 WITH YOU IN GREATER DETAIL ABOUT THE ISSUES THAT  
21 ARE BEFORE THE WATER QUALITY CONTROL BOARD STAFF  
22 FOR RESOLUTION.

23 MR. ZIRBEL WILL SHOW YOU THAT, QUITE  
24 CONTRARY TO WHAT MAYOR CAMPBELL HAS SAID, IT IS  
25 NOT AT ALL A CASE THAT THERE IS STRONG EVIDENCE

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1            THAT IS CONCLUSIVE THAT THERE IS FAULTING WITHIN  
2            TOLAND CANYON. I'D LIKE TO TURN IT OVER TO MR.  
3            ZIRBEL. THANK YOU.

4            CHAIRMAN PENNINGTON: ANY QUESTIONS OF  
5            MR. MCCOMBS? OKAY. GO AHEAD, MR. ZIRBEL.

6            MR. ZIRBEL: GOOD MORNING, MR. CHAIRMAN  
7            AND MEMBERS OF THE BOARD. MARK ZIRBEL, GENERAL  
8            COUNSEL TO VENTURA REGIONAL SANITATION DISTRICTS.  
9            WE ONLY SENT ONE LAWYER UP, NOT TWO. HOPEFULLY  
10          THAT MEANS I'LL BE HALF AS BRIEF. AS MR. MCCOMBS  
11          INDICATED, WE WERE JUST INFORMED THIS MORNING OF  
12          THIS STAY PETITION WITH THE WATER BOARD. AND I'M  
13          HERE TO ARGUE, FIRST AND FOREMOST, THIS IS A WATER  
14          BOARD ISSUE, NOT A WASTE BOARD ISSUE.

15          I AGREE TOTALLY WITH YOUR COUNSEL'S  
16          INTERPRETATION OF THE STATUTE. CLEARLY, 44009(B)  
17          PROVIDES THAT YOU MAY OR MAY NOT ACT TODAY. WE  
18          URGE THAT YOU ACT TODAY AND NOT -- WE'RE JUST  
19          CONFIDENT THAT YOU ARE NOT GOING TO SUCCUMB TO  
20          THIS DELAY STRATEGY WE'RE SEEING.

21          I WANT TO MAKE A COUPLE POINTS, AND  
22          I'M GOING TO BE BLUNT IN THE INTEREST OF TIME.  
23          FIRST OF ALL, IT'S IMPORTANT TO REMEMBER THAT THE  
24          WATER BOARD STUDIED THIS FAULTING ISSUE IN  
DETAIL.

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25 THE WDR'S THAT ARE NOW APPROVED AND ISSUED  
CONTAIN



1 FINDINGS. AND I REFER TO YOU FINDINGS 12 AND 13  
2 THAT SPECIFICALLY AND EXPRESSLY STATE THERE IS NO  
3 KNOWN HOLOCENE FAULT UNDER THE SITE. THAT'S WHAT  
4 THE WATER BOARD APPROVED.

5 NOW, THE WATER BOARD HEARD ALL OF  
6 THIS TESTIMONY AND A WHOLE LOT MORE. THEY MADE  
7 THAT FINDING. WHAT HAPPENED WAS AT THE VERY LAST  
8 MINUTE A REPORT WAS SUBMITTED THAT THE WATER BOARD  
9 STAFF HAD NOT HAD AN OPPORTUNITY TO REVIEW. AND  
10 ESSENTIALLY WHAT THE WATER BOARD STAFF DID IS THEY  
11 PUT ONE SENTENCE IN THAT SAID THAT, "OKAY. YOU  
12 CAN'T DUMP IN THIS AREA UNTIL WE REVIEW THIS  
13 MATTER AND APPROVE IT AT THE EXECUTIVE OFFICER  
14 LEVEL." THAT'S IT. THAT REVIEW IS UNDERTAKING --  
15 IS HAPPENING AS WE SPEAK. THERE'S FINAL MEETINGS  
16 ON THIS WITH EXPERTS ON THURSDAY. WE'RE VERY  
17 CONFIDENT.

18 WE'RE VERY CONFIDENT BECAUSE THERE'S  
19 NO NEW INFORMATION, NOTHING DIFFERENT FROM WHAT  
20 WAS PRESENTED AT THE WATER BOARD, NOTHING  
21 DIFFERENT FROM WHAT WAS PRESENTED TO YOUR  
22 PERMITTING AND ENFORCEMENT COMMITTEE. I HATE TO  
23 BORE THREE OF YOU BECAUSE YOU WENT THROUGH THE  
24 ENTIRE PRESENTATION, BUT THERE WAS AND IS A  
25 PRESENTATION I CAN GIVE INSIDE OF FIVE MINUTES,

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1 MR. CHAIRMAN, IF THE TWO MEMBERS WHO WEREN'T THERE  
2 THAT WOULD JUST FOCUS ON THE GEOLOGY ISSUE THAT  
3 I'D BE GLAD TO GIVE.

4 IN ESSENCE, WHEN YOU LOOK AT THE  
5 WATER BOARD ISSUE, AND I THINK THAT WHAT I HEAR  
6 THE CONCERN FROM THE BOARD MEMBERS IS, WE WANT TO  
7 DO WHAT'S RIGHT ENVIRONMENTALLY. THE DISTRICT  
8 DOES ALSO.

9 THE THING THAT YOU HAVE TO LOOK AT  
10 WHEN YOU'RE LOOKING AT A WATER BOARD ISSUE, AND  
11 THIS IS A WATER BOARD ISSUE, IS YOU START WITH THE  
12 SITE, MR. CHAIRMAN. AND THOSE OF YOU WHO HAVE  
13 KNOWN AND WENT THROUGH THE PERMITTING PROCESS AT  
14 THE P&E COMMITTEE, THIS SITE IS UNDERLINED BY MORE  
15 THAN 300 FEET OF IMPERMEABLE CLAY. THERE IS NO  
16 WATER AQUIFER AT ANY DEPTH BENEATH THE SITE.  
17 THERE IS NO HYDRAULIC CONTINUITY TO ANY AQUIFER  
18 BENEATH THE SITE, WHICH WAS ONE OF THE REASONS WHY  
19 THE WATER BOARD SAID WHAT ARE WE TALKING ABOUT ALL  
20 THIS FAULTING FOR IN THE FIRST PLACE? THERE'S NO  
21 WATER TO BE CONTAMINATED, WHICH IS THE WHOLE  
22 CONCERN WITH FAULTING. BUT THERE IS THAT  
23 REGULATION THAT SAYS YOU CAN'T HAVE A KNOWN  
24 HOLOCENE FAULT, SO WE DEALT WITH THAT SPECIFIC  
25 ISSUE.

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1                               AND AS THE STUDIES HAVE INDICATED  
2                               TIME AND TIME AGAIN, NO EVIDENCE OF SUCH A FAULT.  
3                               IN ESSENCE, AND IF WE COULD JUST -- IT'S UP TO THE  
4                               DISCRETION OF THE CHAIR AND THE COMMITTEE MEMBERS,  
5                               BUT THOSE WHO HAVEN'T HEARD IT, IN TWO OR THREE  
6                               MINUTES I THINK I CAN SHOW YOU A LITTLE BIT OF  
7                               WHAT WE LOOKED AT, IF YOU CARE, MR. CHAIRMAN.  
8                               IT'S AT YOUR DISCRETION.

9                               CHAIRMAN PENNINGTON: DO YOU WANT TO HEAR  
10                              THE DISCUSSION ON THE FAULT? GO AHEAD.

11                             MR. ZIRBEL: ONE OF THE THINGS I WANT TO  
12                             POINT OUT, AND WE DIDN'T UNBIND THE NINE VOLUMES  
13                             OF STUDIES, INCLUDING FIVE YEARS OF GEOLOGIC  
14                             STUDY, FOUR OR FIVE STUDIES THAT HAVE BEEN  
15                             INVOLVED. BUT I'M GOING TO JUST BRIEFLY GO  
16                             THROUGH EACH OF THOSE STUDIES THAT WE'VE LOOKED AT  
17                             AND PUT THIS DR. YEATS ANALYSIS IN PERSPECTIVE.  
18                             BUT AGAIN, TO START OUT WITH, TO REMIND YOU,  
19                             HERE'S A SCHEMATIC OF THE SITE. IT JUST GIVES YOU  
20                             AN IDEA.

21                             YOU START WITH THE FACT THAT  
22                             UNDERNEATH THE SITE IS PICO FORMATION, VERY  
23                             IMPERMEABLE CLAY, TIGHTER CLAY THAN YOU REQUIRE  
24                             FOR CLOSURE OF A LANDFILL, THAT UNDERLIES THE  
25                             SITE. NO AQUIFER, NO HYDRAULIC CONTINUITY  
TO THE

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1           AQUIFER. YOU SEE THE VARIOUS CLAY LINERS IN  
2           ADDITION TO THE REQUIRED, MANDATED COMPOSITE  
3           LINERS, THE LEACHATE COLLECTION SYSTEM, ALL A  
PART  
4           OF THE DESIGN THAT'S BEEN APPROVED BY YOUR BOARD  
5           WHEN THEY RECOMMENDED THIS PROJECT TO YOU. A  
6           STATE-OF-THE-ART PROJECT I MIGHT ADD.  
7                           THE STUDIES REALLY START BEFORE  
THIS  
8           CHART, BUT BACK IN 1982, JUST GIVE YOU A LITTLE  
9           BACKGROUND, DR. ROCKWELL, WHO IS THE PRIMA EXPERT  
10          IN THIS AREA, AND WE'LL GET BACK TO HIM. WHEN HE  
11          WAS DOING HIS DOCTORAL THESIS, HE NOTED A NUMBER  
12          OF FAULTS IN THE AREA, AND HE DREW SOME DOTTED  
13          LINES AND INFERRED THAT ONE OF THESE FAULTS, THE  
14          CULBERTSON FAULT, MIGHT GO THROUGH THE SITE.  
15                           EVER SINCE THEN, MR. CHAIRMAN,  
WE'VE  
16          BEEN STUDYING AND ANALYZING THIS ISSUE. AND IT  
17          HASN'T JUST BEEN THE DISTRICT THAT'S BEEN  
STUDYING  
18          THIS ISSUE. I WANT TO CALL ATTENTION TO THE FACT  
19          THAT SEVERAL OF THESE STUDIES AND MAPS THAT ARE  
IN  
20          THE LEFT-HAND COLUMN ARE NOT SOMETHING THAT WAS

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21           PAID FOR OR DONE ON BEHALF OF THE VENTURA  
REGIONAL  
22           SANITATION DISTRICT.  THEY INVOLVE MAPPING DONE  
BY  
23           STATE AGENCIES, INCLUDING THE CALIFORNIA  
24           DEPARTMENT OF MINES AND GEOLOGY.  THE KAHLE, THE  
25           ALQUIST-PRIOLO STUDY, THAT IS A STATE MAPPING



1 PROJECT WHERE THE STATE IS REQUIRED TO MAP ALL  
2 ACTIVE FAULTS.

3 THIS IS A COPY OF THE MAP. THIS IS  
4 THE STATE'S OFFICIAL MAP. THIS IS THE MAP THAT  
5 YOU LOOKED AT. YOU SEE THE SITE IN THE CENTER.  
6 AND THEN YOU SEE OFF TO THE LEFT HOW THE STATE HAS  
7 MAPPED WHERE THESE FAULTS STOP. BY THE WAY,  
8 THERE'S NOTHING UNUSUAL ABOUT THE FACT THAT ALL  
9 FAULTS STOP SOMEWHERE. AND IT IS A UNIQUE FEATURE  
10 THAT WE SEE HERE IN THIS CANYON TO THE WEST, THIS  
11 O'LEARY CANYON, THAT THREE OF THE SMALLER FAULTS  
12 TEND TO DIE OUT.

13 OUR OBJECTIVE IN THE STUDIES WE'VE  
14 CONDUCTED OVER THE LAST FIVE YEARS WAS TO CONFIRM  
15 THESE FINDINGS. AND GOING BACK TO SOME OF THE  
16 WORK AND STUDIES THAT WERE DONE, EMCON IN 1991,  
17 FUGRO-MCCLELLAND IN 1992 STUDIED OFF-SITE AND  
18 ON-SITE BY ACTUAL PHYSICAL DIGGING AND TRENCHING  
19 LOOKING FOR THAT PARTICULAR SITE. THE CALIFORNIA  
20 DEPARTMENT OF MINES AND GEOLOGY IN 1994 MADE A  
21 FINDING, NO ACTIVE FAULT UNDER THE SITE. AND THEN  
22 ENVIRONMENTAL SOLUTIONS IN 1995 DID FOLLOW-UP WORK  
23 TO AGAIN EVALUATE AND TRENCH ON SITE.

24 YOU MIGHT PUT UP FOR A SECOND THE  
25 TRENCHING WORK THAT WAS DONE BY FUGRO-  
MCCLELLAND.

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1           THIS SCHEMATIC SHOWS ALL THE TRENCHING THAT WAS  
2           DONE ON THE SITE BY FUGRO-MCCLELLAND BACK IN ITS  
3           1992 STUDY, OVER TWO MILES OF TRENCHING LOOKING  
4           FOR THE FAULT.   AND I MIGHT ADD AT THAT TIME WATER  
5           BOARD STAFF WERE PRESENT, COUNTY STAFF WERE  
6           PRESENT, EVEN DR. ROCKWELL HIMSELF CAME UP TO  
7           REVIEW THE TRENCHES WHEN THEY WERE FRESH, WHEN  
8           THEY WERE BEING DUG OVER A PERIOD OF SEVERAL  
9           MONTHS.   THE REPORT CONCLUDED AND DR. ROCKWELL  
10          CONCURRED, NO KNOWN HOLOCENE FAULTS, WHICH IS THE  
11          STANDARD.

12                       NOW, DR. YEATS TESTIFIED TO THE SAME  
13          THING HE TESTIFIED TO BEFORE YOUR COMMITTEE AND  
14          THE WATER BOARD BACK IN MAY IN FRONT OF THE BOARD  
15          OF SUPERVISORS.   THERE'S NOTHING NEW HERE.   NO  
16          NEED FOR NEW CEQA, NEW STUDY, NEW ANALYSIS.   HE  
17          HAD THE SAME ANALYSIS AT THE BOARD OF SUPERVISORS.  
18          ESSENTIALLY WHAT HE SAID WAS THAT HE THOUGHT THERE  
19          WAS A FAULT UP THERE.   WE ASKED THREE EXPERTS TO  
20          REVIEW THIS AGAIN, FUGRO, THE COUNTY OF VENTURA,  
21          AN INDEPENDENT AGENCY, AND ENVIRONMENTAL  
22          SOLUTIONS.

23                       THIS HAD TO BE DONE IN VERY SHORT  
24          ORDER RIGHT AS THE WATER BOARD HEARING WAS TAKING  
25          PLACE WITH THREE DAYS TO GO, AN ANALYSIS AND A

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1 REVIEW AGAIN TAKEN OF ALL THE OTHER EXPERTS. AND  
2 AS THE TOP QUOTE INDICATES, DR. YEATS SEEMS TO  
3 STAND ALONE IN HIS OPINION WITH RESPECT TO THIS  
4 ISSUE.

5 WE'VE GONE A STEP FURTHER AND HAVE  
6 ASKED DR. ROCKWELL TO COME BACK UP, REVIEW DR.  
7 YEATS' REPORT, AND MAKE THE FINAL CONCLUSION.  
8 AGAIN, HIS CONCLUSION IS THERE'S NO KNOWN

HOLOCENE

9 FAULT. REMEMBER THIS, DR. YEATS WAS NOT THERE  
AT  
10 THE TIME OF ALL THIS TRENCHING. HE CAME UP,  
SPENT

11 LESS THAN 30 MINUTES ON THE PROPERTY LOOKING AT  
12 FOUR-YEAR-OLD TRENCHES, AND SOMEHOW LEAPS TO THE  
13 CONCLUSION THAT NONE OF THESE OTHER EXPERTS OVER  
14 FIVE YEARS HAVE FOUND THAT THERE'S A FAULT.

15 THE WATER BOARD CHOSE TO GO WITH  
THE

16 PREPONDERANCE OF EVIDENCE, MAKE THE FINDING, AND  
17 ISSUE THE PERMIT. I'D BE GLAD TO ANSWER ANY  
18 QUESTIONS WITH RESPECT TO THE PERMITTING DONE BY  
19 THE WATER BOARD OR OUR STATUS THERE. CERTAINLY

BE

20 GLAD TO ANSWER ANY QUESTIONS. AND ALSO WANT

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YOUR

21 BOARD TO KNOW THAT WE DO HAVE THE EXPERTS HERE

IN

22 THE AUDIENCE IF YOU'D LIKE A MORE DETAILED

23 EXPLANATION OF SOME OF THE WORK THAT WAS DONE.

24 BOARD MEMBER RELIS: POINT OF

25 CLARIFICATION. YOU INDICATED, MR. ZIRBEL, THAT

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1 DR. YEATS WAS INDEED AT THE BOARD OF SUPERVISORS  
2 HEARING. I DIDN'T REMEMBER THAT BEING STATED.

3 MR. ZIRBEL: HE MADE AN APPEARANCE. IN  
4 FACT, HIS TRANSCRIPT WAS SUBMITTED TO THE WATER  
5 BOARD AND HIS STATEMENT WHERE HE SAID HE HAD  
6 REVIEWED THE TRENCHING LOGS AND THAT HE HAD A  
7 DIFFERENT CONCLUSION. AND SO HE WAS AT THE BOARD  
8 OF SUPERVISORS ON MAY 22D.

9 MR. MYERS: MAY I RESPOND TO THAT, MR.  
10 CHAIRMAN?

11 CHAIRMAN PENNINGTON: CERTAINLY.

12 MR. MYERS: ROGER MYERS, CITY ATTORNEY,  
13 CITY OF FILLMORE.

14 DR. YEATS DID TESTIFY AT THE BOARD  
15 OF SUPERVISORS HEARING, BUT THAT WAS BEFORE HE  
16 VISITED THE SITE. SO HE DIDN'T VISIT THE SITE  
17 UNTIL AFTER THE BOARD OF SUPERVISORS HEARING.

18 CHAIRMAN PENNINGTON: THANK YOU.

19 MR. ZIRBEL: ANY FURTHER QUESTIONS?

20 CHAIRMAN PENNINGTON: ANY OTHER  
21 QUESTIONS?

22 MR. ZIRBEL: THANK YOU FOR HEARING US  
23 OUT, MR. CHAIRMAN. APPRECIATE THE PATIENCE OF THE  
24 BOARD.

25 CHAIRMAN PENNINGTON: I HAVE MR. ACOSTA,

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1 JAMES ACOSTA.

2 MR. ACOSTA: MORNING OR I SHOULD SAY GOOD  
3 AFTERNOON, CHAIRMAN PENNINGTON AND MEMBERS OF THE  
4 BOARD. I'M JAMES ACOSTA, SPECIAL DISTRICTS'  
5 REPRESENTATIVE TO THE VENTURA REGIONAL SANITATION  
6 DISTRICT. I REPRESENT FIVE SPECIAL DISTRICTS IN  
7 OUR COUNTY, AND I'M HERE TO VOICE OUR SUPPORT FOR  
8 THE PROJECT THAT'S BEFORE YOU THIS MORNING.

9 SIX OF OUR CITIES HAVE -- ARE IN  
10 SUPPORT OF THE -- OF THIS PERMIT AND THIS PROJECT  
11 IN VENTURA COUNTY. WE HAVE RECEIVED THE CUP FROM  
12 THE BOARD OF SUPERVISORS OF VENTURA COUNTY, SO  
13 THAT INDICATES THEIR SUPPORT THERE AS WELL.

14 THE WDR PERMIT WAS APPROVED  
15 CONDITIONALLY EARLIER THIS MONTH, AND NOW WE'RE  
16 FINDING OURSELVES HERE BEFORE YOU THIS MORNING.  
17 JUST WOULD LIKE TO SAY THAT OUR DISTRICTS'

PURPOSE

18 IS TO PROVIDE AN ONGOING SOLID WASTE DISPOSAL  
19 SITE  
20 TO THE RESIDENTS OF WESTERN AND CENTRAL COUNTY.  
21 AND SHOULD THE EXPANSION NOT BE APPROVED, OUR  
22 DISTRICT WOULD HAVE TO CLOSE TOLAND ROAD  
LANDFILL,

AND THERE WOULD NOT BE A PUBLICLY OWNED AND

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23 OPERATED IN-COUNTY DISPOSAL SITE FOR THE  
RESIDENTS

24 OF VENTURA COUNTY.

25 THE LANDFILL HAS BEEN EXTENSIVELY

1           STUDIED OVER THE LAST 18 MONTHS. IT HAS BEEN  
2           SHOWN TO BE ENVIRONMENTALLY SAFE AND ECONOMICALLY  
3           VIABLE. SO WE ARE VERY CONFIDENT THAT ANY OF THE  
4           ISSUES THAT ARE GOING TO BE COMING BEFORE US IN  
5           THE WDR WILL BE ADDRESSED AND MITIGATED, AND WE  
6           FEEL THAT WE WOULD LIKE TO HAVE YOUR SUPPORT ON  
7           THE PERMIT AND REQUEST THAT YOU APPROVE THE  
8           PERMIT. AND WE WILL THEN HAVE 31 YEARS OF  
9           LANDFILL CAPACITY IN VENTURA COUNTY, WHICH IS  
10          SOMETHING THAT VENTURA COUNTY HAS NOT HAD. SO  
11          AGAIN, I URGE YOUR APPROVAL OF THIS PERMIT, AND I  
12          THANK YOU FOR YOUR TIME THIS MORNING.

13                   CHAIRMAN PENNINGTON: THANK YOU, MR.  
14          ACOSTA. ANY QUESTIONS OF MR. ACOSTA? THANK YOU.

15                   I WOULD ASK STAFF OR MR. CHANDLER,  
16          HAVE WE EVER ACTED ON A SITUATION LIKE THIS WHERE  
17          THERE'S BEEN A STAY?

18                   MR. CHANDLER: WELL, IN THE POST-1220  
19          ERA, THERE HAS ACTUALLY BEEN TWO PERMITS BROUGHT  
20          BEFORE THE BOARD WHERE WE HAVE SEEN A PETITION  
21          FILED WITH THE STATE WATER BOARD. TO REFRESH YOUR  
22          MEMORIES, SOME OF THE MEMBERS WERE ACTUALLY AT THE  
23          BOARD AT THIS TIME AND SERVED ON THE BOARD. THE  
24          FIRST WAS THE BUENA VISTA LANDFILL, AMADOR COUNTY,  
25          DECEMBER 1994. THE BOARD CHOSE IN THAT CASE TO

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1           EXERCISE ITS DISCRETION AND ACT.   THE SECOND WAS  
2           THE CHICAGO GRADE LANDFILL, SAN LUIS OBISPO  
3           COUNTY.   I BELIEVE THAT WAS IN THE SPRING OF 1995.  
4           ONCE AGAIN, THE BOARD EXERCISED ITS DISCRETION AND  
5           CHOSE TO ACT.   SO THOSE ARE TWO RECENT PERMITS IN  
6           THE POST-1220 ERA THAT ARE VERY APPLICABLE TO THE  
7           SITUATION HERE TODAY.

8                   CHAIRMAN PENNINGTON:   THANK YOU.   AND,  
9           KATHRYN, DO YOU HAVE ANY OTHER COMMENTS ABOUT THIS  
10          LEGAL ISSUE?

11                   MS. TOBIAS:   I THINK THE ONLY THING THAT  
12          I COULD SAY THAT MIGHT HELP A LITTLE BIT IS IF I  
13          DIRECTED YOUR ATTENTION TO 44009, LITTLE A,  
14          SUBSECTION 4.   THAT'S THE SECTION THAT BASICALLY  
15          SAYS THAT IF THE BOARD FAILS TO CONCUR OR OBJECT  
16          IN WRITING WITHIN 60 DAYS, IT SHALL BE DEEMED TO  
17          HAVE CONCURRED IN THE ISSUANCE OF THE PERMIT AS  
18          SUBMITTED TO IT.

19                   WHAT THAT IS, AS YOU'RE NOW FAMILIAR  
20          WITH, IS WHAT I CALL SOMETIMES THE DEFAULT  
21          PROVISION, THAT REQUIREMENT THAT IF THERE IS NOT  
22          APPROVAL OR A DENIAL BASED ON SOME EXPRESSED  
23          RATIONALE, THAT THE PERMIT IS DEEMED TO HAVE BEEN  
24          APPROVED.   THAT'S WHAT 44009 SMALL B IS TALKING  
25          ABOUT.   WHEN IT SAYS NOTWITHSTANDING SUBDIVISION

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1           A, THE BOARD IS NOT REQUIRED TO CONCUR IN OR  
2           OBJECT TO AND SHALL NOT BE DEEMED TO HAVE  
3           CONCURRED IN THE ISSUANCE.

4                       SO WHAT IT'S REAL DOING IS REFERRING  
5           TO THAT DEFAULT PROVISION DIRECTLY ABOVE THAT  
6           SECTION. IT'S JUST BASICALLY SAYING THAT THAT  
7           DEFAULT PROVISION IS SUSPENDED IF YOU CHOOSE NOT  
8           TO ACT WHEN THOSE THREE PARTICULAR SITUATIONS ARE  
9           IN PLACE.

10                   CHAIRMAN PENNINGTON: THANK YOU. YES,  
11           MR. CHESBRO.

12                   BOARD MEMBER CHESBRO: ARE ALL THE  
13           SPEAKERS COMPLETED ON THIS?

14                   CHAIRMAN PENNINGTON: YES.

15                   BOARD MEMBER CHESBRO: I HEARD A COUPLE  
16           THINGS THAT I WANTED TO MAKE SURE I CLEARLY  
17           UNDERSTOOD. I HEARD CITY OF FILLMORE  
18           REPRESENTATIVES COMMENTING ON THE POSSIBILITY THAT  
19           FAULTING EVIDENCE MIGHT BE COVERED BY GARBAGE IF  
20           THIS PERMIT WENT FORWARD. AND THEN I THOUGHT I  
21           ALSO HEARD THE APPLICANT SAY THAT THE WATER BOARD  
22           PERMIT WILL SOMEHOW RESTRICT OR PREVENT THAT FROM  
23           HAPPENING IN TERMS OF WHERE THE GARBAGE CAN BE  
24           DISPOSED. CAN STAFF CLARIFY OR CONFIRM THAT FOR  
25           ME?

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1                   MS. TOBIAS: ONE OF THE DOCUMENTS THAT  
2                   WE'VE BEEN SENT IS DATED JULY 29, 1996. IT IS A  
3                   LETTER FROM KATHERINE STONE ADDRESSED TO THE WASTE  
4                   MANAGEMENT BOARD. AND ONE OF THE THINGS -- WHAT  
5                   SHE HAS BASICALLY FORWARDED IS THEIR PETITION  
TO  
6                   THE STATE WATER RESOURCES CONTROL BOARD,  
WHICH IS  
7                   ESSENTIALLY THEIR APPEAL.  
8                   AND IT SAYS THAT -- THAT  
ALTHOUGH  
9                   THE ORDER PROHIBITS VRSD FROM DEPOSITING  
WASTE  
10                  WITHIN 200 FEET OF CULBERTSON FAULT UNTIL  
FURTHER  
11                  SEISMIC INVESTIGATION IS DONE, VRSD HAS  
STATED  
12                  THAT, WHEN THE BAILARD LANDFILL CLOSES, IT  
WILL  
13                  SOLICIT THE WASTE FROM THAT LANDFILL FOR  
DISPOSAL  
14                  AT TOLAND ROAD LANDFILL. SO BASICALLY THE  
ORDER  
15                  IS STATING THAT THERE IS NO WASTE THAT'S  
GOING TO

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16 BE DEPOSITED THAT WOULD MAKE THAT A PROBLEM.

17 BOARD MEMBER CHESBRO: OKAY. THANK  
YOU.

18 CHAIRMAN PENNINGTON: MRS. GOTCH.

19 BOARD MEMBER GOTCH: ONE

CLARIFICATION

20 I'D LIKE FROM STAFF, AND THAT IS THAT THE  
WATER

21 BOARD CAN OVERRIDE THIS ACTION OR OUR ACTION  
IF

22 THEY DEEM SO?

23 MR. CHANDLER: I THINK THE QUESTION  
IS

24 SHOULD THEY HEAR THE PETITION AND GRANT THE  
STAY

25 AND ULTIMATELY HAVE A HEARING, AND THEN  
THROUGH

1 THE RESULT OF THAT HEARING, THE WATER BOARD'S  
2 DECISION IS OVERTURNED, THEN WE WOULD SEE THE  
3 WDR'S OR THE ORDER ISSUING THE WDR'S ESSENTIALLY  
4 INVALIDATED, AND AT THAT POINT IT WOULD BE -- OUR  
5 CONDITIONS OF OUR OPERATION PERMIT WOULD BE  
6 AFFECTED.

7 BOARD MEMBER GOTCH: THANK YOU.

8 BOARD MEMBER CHESBRO: THEY WOULD  
9 ESSENTIALLY NOT BE IN COMPLIANCE IF THEY DIDN'T  
10 HAVE THE WDR'S. THEY WOULD NOT BE OPERATING WITH  
11 A VALID PERMIT.

12 MR. CHANDLER: CORRECT.

13 MS. STONE: CAN I JUST CLARIFY THE PART  
14 THAT WAS READ?

15 CHAIRMAN PENNINGTON: SURE.

16 MS. STONE: AS I UNDERSTAND THE WDR'S  
17 THAT CURRENTLY EXIST, UNLESS IT'S STAYED BY  
EITHER

18 THE STATE BOARD OR THE REGIONAL BOARD, THEY CAN  
19 START DISPOSING OF WASTE NEXT MONTH OR IF YOU  
20 APPROVE. THE CONCERN WE HAD WITH EVIDENCE BEING  
21 COVERED UP, IT'S NOT WITHIN THE SETBACK AREA  
UNDER

22 THE REGIONAL BOARD'S ORDER, BUT OTHER EVIDENCE  
ON

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23 THE LANDFILL WHICH, WE UNDERSTAND FROM THE  
24 EXPERTS, SHOWS ON THE GROUND EVIDENCE OF  
FAULTING.  
25 WE DON'T WANT THAT DISTURBED BY OPERATIONS, BY

1 BULLDOZING, BY WHATEVER THEY START DOING OUT  
2 THERE. THAT'S OUR CONCERN IS DESTRUCTION OF THE  
3 EVIDENCE.

4 CHAIRMAN PENNINGTON: THANK YOU. I  
5 THINK -- ANY OTHER QUESTIONS? I THINK WE'RE  
6 PREPARED FOR A MOTION IF SOMEONE WOULD LIKE TO  
7 MAKE A MOTION.

8 BOARD MEMBER FRAZEE: PERHAPS MY MOTION  
9 WOULD BE BEST ALONG WITH SOME EXPLANATION. MY  
10 MOTION WOULD BE TO APPROVE THIS ITEM, BUT WITH  
11 THAT I'D LIKE TO MAKE SOME COMMENT.

12 THIS IS A DECISION PROCESS THAT I  
13 FIRST STARTED SOME 25 YEARS AGO WHEN I SAT DOWN TO  
14 MAKE MY FIRST DECISION OF THIS KIND WHERE THERE  
15 WAS PUBLIC OPPOSITION AND PUBLIC SUPPORT FOR AN  
16 APPLICATION, SO I'VE HAD OVER THAT PERIOD OF 25  
17 YEARS AN OPPORTUNITY PERHAPS TO DEVELOP A KIND OF  
18 SIXTH SENSE AT READING THESE KINDS OF APPLICATIONS  
19 AND THE OPPOSITION MET SUPPORT THAT DEVELOPS FOR  
20 THEM.

21 THIS ONE, AS I STATED AT OUR  
22 COMMITTEE HEARING, IS ONE THAT I HAVE A GREAT DEAL  
23 OF SYMPATHY FOR THE RESIDENTS NEARBY, THE  
24 RESIDENTS OF FILLMORE AND SANTA PAULA. PROBABLY  
25 IF ONE OF THOSE WERE MY CITY, I MIGHT BE IN

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1           OPPOSITION TO AN EXPANSION OF THE LANDFILL IN MY  
2           NEIGHBORHOOD. MY OWN CITY WHERE I SERVED AS MAYOR  
3           HAS THE PLEASURE OF BEING HOST TO BOTH THE  
4           REGIONAL SEWER PLANT AND THE REGIONAL POWER  
5           GENERATION FACILITY, AND SO ALL OF US HAVE SOME OF  
6           THESE SO-CALLED NEGATIVES THAT ARE FOR THE GREATER  
7           PUBLIC BENEFIT IN OUR IMMEDIATE AREA.

8                       WHEN I'VE LOOKED AT THIS ONE AND  
9           SPENT A LOT OF TIME STUDYING IT OVER THE PAST  
10          SEVERAL WEEKS AND VISITING THE SITE, HAVE EVEN  
11          TAKEN AN OPPORTUNITY TO SIT ON THE RIGHT-HAND SIDE  
12          OF THE AIRPLANE SO I COULD LOOK AT THE SITE FLYING  
13          OVER IT AT 25,000 FEET, AND IT WAS PLAINLY  
14          VISIBLE; BUT IN THE SCALE OF THINGS, IT WAS ABOUT  
15          LIKE THIS PAPER CUP IN THIS ROOM WITH THE RING OF  
16          MOUNTAINS, SO THAT TENDS TO DISCOUNT ANY GREAT  
17          ENVIRONMENTAL EFFECT.

18                      THE ISSUE WAS RAISED ABOUT MOVEMENT  
19          OF WIND AND TEMPERATURE CHANGES, THINGS OF THAT  
20          NATURE IN THE AREA CAUSED BY THE HEIGHT OF THIS  
21          LANDFILL. AND YET LOOKING AT IT FROM 30,000 FEET  
22          GIVES YOU A PERSPECTIVE WHERE YOU FIND THAT THAT'S  
23          BEYOND THE REALM OF REASON.

24                      SO WHAT THIS NARROWS DOWN TO, AND I  
25          THINK OUR HEARING TODAY SHOWS, THAT WE ARE -- HAVE

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1           A SIGNIFICANT NUMBER OF PEOPLE WHO ARE OPPOSED TO  
2           A LANDFILL IN THEIR AREA, AND THEY'RE GRASPING,  
3           FRANKLY, FOR SOME WAY OF PREVENTING THAT FROM  
4           HAPPENING.  AND THAT'S THEIR RIGHT TO DO THAT, BUT  
5           WE'VE REALLY NARROWED IT DOWN TO NOTHING BUT THE  
6           SEISMIC ISSUE THAT WE'VE HEARD A LOT ABOUT TODAY.

7                         AND ALL OF US THAT LIVE IN  
8           CALIFORNIA, IF WE STOPPED DOING THINGS BECAUSE OF  
9           SEISMIC CONCERNS, WE'D STOP DOING EVERYTHING.  I  
10          THINK WE WOULDN'T BE BUILDING ANYTHING.  THE WHOLE  
11          OF CALIFORNIA HAS FAULTS HERE, THERE, AND  
12          EVERYWHERE.  AND IF THE SITUATION IN SANTA PAULA  
13          AND FILLMORE IS SO DIRE THAT WE CAN'T LOCATE A  
14          LANDFILL THERE, THEN PERHAPS WE CAN'T LOCATE  
15          ANYTHING ELSE THERE EITHER.  AND IT'S -- LET'S  
16          STOP THE WORLD TO GET OFF OF IT AT THAT POINT.

17                        THERE ARE RISKS TO EVERYTHING WE DO.  
18          WE TAKE RISKS WHEN WE GET ON THE PLANE, AS WAS ALL  
19          TOO EVIDENT IN RECENT WEEKS.  SO THIS ONE, IN MY  
20          TOTAL REVIEW, LOOKS LIKE ONE THAT DESERVES  
21          APPROVAL.  IF THE WATER BOARD HEARS THE HEARING  
22          AND THAT PROCESS -- HEARS THE PROTEST AND THAT  
23          WILL GO ON.  IF THEY DECIDE NOT TO GO AHEAD WITH  
24          THE ISSUANCE OF THE WDR, THEN PERHAPS THAT WILL  
25          SUSPEND THIS AND EVERYBODY WILL GO BACK TO THE

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1           DRAWING BOARDS.   AT THIS POINT I THINK ALL OF OUR  
2           REQUIREMENTS HAVE BEEN FILLED, AND I SEE NO REASON  
3           NOT TO GO AHEAD.   SO THAT'S MY MOTION, TO APPROVE  
4           THIS PERMIT.

5                       CHAIRMAN PENNINGTON:   OKAY.

6                       BOARD MEMBER RELIS:   MR. CHAIR, I'M GOING  
7           TO SECOND THAT MOTION, AND I'D LIKE TO EXPLAIN MY  
8           REASONS.

9                               FIRST, IN MY VIEW, THIS IS A BRIGHT  
10          LINE ISSUE NOW BETWEEN WATER BOARD AND WASTE  
11          BOARD.   MR. CHESBRO MAY REMEMBER WHEN WE WERE BACK  
12          IN THE PRE-1220 ENVIRONMENT, WE HAD A HEARING ON  
13          KELLER CANYON.   AND WE HAD TO DO WHAT I CALLED THE  
14          DUELING GEOLOGISTS, DISCUSSING WHAT IMPACTS THE  
15          ANALYSIS WOULD HAVE DEPENDING ON WHERE YOU  
16          INTERPRETED IT AT THAT LANDFILL.

17                           SUBSEQUENT TO THAT, THE LEGISLATURE  
18          TOOK AWAY, IN EFFECT, THE GRAY AREA BETWEEN OUR  
19          BOARD AND THE WATER BOARD.   NOW, THERE IS -- AS  
20          WE'VE BEEN TOLD BY COUNSEL, THEIR ARGUMENT IS THAT  
21          WE HAVE DISCRETION.   NOW, THE WAY I READ THE  
22          SITUATION, THE REGIONAL BOARD HAS, IN EFFECT,  
23          CONDITIONED THIS PROJECT.   MIGHT BE A TEMPORARY  
24          CONDITION, BUT THEY'VE SAID, YES, MAYBE IT CAME  
IN

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25                   LATE, THE EVIDENCE THAT HAS BEEN SUBMITTED, BUT

1 JUST AS A PRECAUTIONARY MOVE, WE'RE GOING TO  
2 REQUIRE THAT UNTIL WE LOOK AT THIS FURTHER, NO  
3 WASTE CAN GO INTO THE KNOWN FAULT AREA.

4 SO I THINK IT'S A CONDITION THAT IS  
5 BEING IMPOSED BY THE REGULATORY BOARD THAT HAS  
THE  
6 AUTHORITY OVER THIS SPECIFIC ISSUE, GEOLOGY.  
7 WE'RE NOT TALKING ABOUT STATE MINIMUM STANDARDS,  
8 SLOPE, OR GAS, OR OTHER AREAS THAT FALL IN OUR  
9 PURVIEW. SO FOR THOSE REASONS, I WILL SUPPORT  
THE  
10 MOTION.

11 CHAIRMAN PENNINGTON: ANY OTHER  
12 DISCUSSION? MR. CHESBRO.

13 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I'M  
14 GOING TO SUPPORT THE MOTION TOO FOR DIFFERENT  
15 REASONS. I HAVE BEEN CONCERNED FOR A LONG TIME,  
16 SINCE BEFORE 1220, AND I THINK 1220 STILL GIVES  
US  
17 THIS AUTHORITY AND DISCRETION WITH THE FACT THAT  
18 WE SHOULD BE ISSUING AN OPERATING PERMIT  
19 ESSENTIALLY THAT HAS ALL OF ITS DUCKS IN LINE,  
HAS  
20 EVERYTHING IN PLACE. AND I SUPPORTED INCLUSION  
OF

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21 THE PROVISION WITH REGARDS TO THE STAY, APPEAL  
AND

22 STAY PROCESS AT THE STATE BOARD FOR THE REASON

23 THAT I WANTED TO MAKE SURE THAT, IN THE EVENT  
THAT

24 A PERMIT WERE IN SERIOUS QUESTION, WE COULD LOOK  
25 AT THAT AND USE THAT AS A REASON TO REJECT A

1 PERMIT IF IT SEEMED WARRANTED. AND I HAVE BEEN A  
2 SUPPORTER OF DOING THAT WHERE I FELT IT WAS  
3 APPROPRIATE.

4 THE THING THAT I THINK WE NEED TO  
5 ASK OURSELVES, THOUGH, WHEN THAT CIRCUMSTANCE  
6 COMES UP IS DOES THE RISK TO THE ENVIRONMENT  
7 ALREADY EXIST ON THE SITE, IF THERE IS ONE. LET'S  
8 ASSUME THAT THERE IS A FAULT ON THE LANDFILL, AND  
9 I DO THINK THAT THAT'S A SERIOUS CHARGE THAT NEEDS  
10 A GREAT DEAL OF EVALUATION. LET'S ASSUME THAT THE  
11 STATE WATER BOARD LOOKS AT ALL THE EVIDENCE AND  
12 ISSUES A STAY. THE QUESTION IS WILL THE GARBAGE  
13 THAT GOES INTO THE LANDFILL BETWEEN NOW AND THE  
14 TIME THAT THE STATE WATER BOARD HAS EVALUATED  
15 ITS -- THIS ISSUE SUBSTANTIALLY AGGRAVATE THE  
16 RISK, SUBSTANTIALLY INCREASE THE RISK. I DON'T  
17 BELIEVE THAT IT WILL.

18 I THINK THAT WE -- THE ISSUE WILL BE  
19 DETERMINED AND THEN EVALUATED INDEPENDENT OF THIS  
20 RELATIVELY SMALL AMOUNT OF GARBAGE OVER A  
21 RELATIVELY SHORT PERIOD OF TIME, AND I DO BELIEVE  
22 THAT THE STATE BOARD HAS THE AUTHORITY, AS MR.  
23 RELIS SAYS, TO MAKE THIS DETERMINATION AND CALL  
24 THE THING TO A HALT IF, IN FACT, THEY FIND THAT  
25 THERE'S A SERIOUS PROBLEM THERE. SO I DON'T  
THINK

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1            THAT OUR ISSUING A PERMIT RAISES THE KIND OF RISK  
2            ISSUES THAT I'VE BEEN CONCERNED WITH, AND I WILL  
3            SUPPORT THE MOTION.

4            CHAIRMAN PENNINGTON:    ANY OTHER COMMENTS?  
5            IF NOT, WILL THE SECRETARY CALL THE ROLL.

6            BOARD SECRETARY:    BOARD MEMBER CHESBRO.

7            BOARD MEMBER CHESBRO:    AYE.

8            BOARD SECRETARY:    FRAZEE.

9            BOARD MEMBER FRAZEE:    AYE.

10          BOARD SECRETARY:    GOTCH.

11          BOARD MEMBER GOTCH:    AYE.

12          BOARD SECRETARY:    RELIS.

13          BOARD MEMBER RELIS:    AYE.

14          BOARD SECRETARY:    CHAIRMAN PENNINGTON.

15          CHAIRMAN PENNINGTON:    AYE.

16                            OKAY.    NOW, AT 12:15 WE HAVE 12 OR  
17            13 PEOPLE WHO ARE IN SUPPORT, AND I HAVE, I  
18            BELIEVE, ONE REQUEST TO OPPOSE.    I'D LIKE TO MAYBE  
19            GET STARTED WITH UKIAH AND TRY TO BREAK AROUND 1  
20            O'CLOCK.

21                            (RECESS TAKEN.)

22            CHAIRMAN PENNINGTON:    LET'S GO BACK INTO  
23            SESSION HERE.    WE'RE GOING TO MOVE ON TO ITEM 13,  
24            CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A  
25            REVISED SOLID WASTE FACILITIES PERMIT FOR UKIAH

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1 SOLID WASTE DISPOSAL SITE.

2 MAY I REMIND YOU I HAVE 13, I'VE GOT  
3 12 SUPPORT AND ONE OPPOSED. IF ANYBODY ELSE WANTS  
4 TO SPEAK, THERE ARE SOME SPEAKER SLIPS OUT THERE,  
5 AND UNLESS THEY COME UP HERE TO MS. KELLY, WHO  
6 WILL GET THEM TO US. THANK YOU.

7 WE'LL START WITH THE STAFF, DON  
8 DIER.

9 MR. KANZ: GOOD AFTERNOON. MY NAME IS  
10 RUSS KANZ. I'M WITH THE PERMITS BRANCH.

11 THE CITY OF UKIAH DEPARTMENT OF  
12 PUBLIC WORKS, WHO'S THE OWNER AND OPERATOR OF THE  
13 LANDFILL, IS REQUESTING A REVISION TO THE SOLID  
14 WASTE FACILITIES PERMIT ISSUED ON MAY 21, 1979.  
15 THE CHANGES TO THE PERMIT INCLUDE AN INCREASE IN  
16 TONNAGE FROM AN AVERAGE OF 50 TONS PER DAY TO A  
17 MAXIMUM OF 190 TONS PER DAY, THE ACCEPTANCE OF  
18 WASTE FROM THE ENTIRE COUNTY, THE CHANGE IN HOURS  
19 OF OPERATION, THE ADDITION OF GAS MONITORING  
20 WELLS, THE DEVELOPMENT OF A NEW BARROW AREA, AND  
21 THE USE OF ALTERNATIVE DAILY COVER.

22 STAFF HAVE REVIEWED THE APPLICATION  
23 PACKAGE AND DETERMINED IT IS COMPLETE AND CORRECT,  
24 INCLUDING CONFORMANCE WITH THE COSWMP, CONSISTENCY  
25 WITH THE GENERAL PLAN, COMPLIANCE WITH THE WASTE

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1           DIVERSION GOALS, COMPLIANCE WITH CEQA, FINANCIAL  
2           ASSURANCES REQUIREMENTS FOR CLOSURE AND  
3           POSTCLOSURE, OPERATING LIABILITY, AND THE  
4           PRELIMINARY CLOSURE AND POSTCLOSURE MAINTENANCE  
5           PLANS HAVE BEEN DEEMED COMPLETE.

6                       STAFF ALSO REVIEWED THE PERMIT AND  
7           FOUND IT TO BE CONSISTENT WITH THE REQUIREMENTS OF  
8           PUBLIC RESOURCES CODE SECTION 44009 EXCEPT FOR A  
9           VIOLATION FOR EXPLOSIVE GAS CONTROL. IT HAS BEEN  
10          DETERMINED THAT THE OPERATOR HAS FOLLOWED THE  
11          STEPS IN THE FLOW CHART FOR SITES WITH VIOLATIONS  
12          OF STATE MINIMUM STANDARDS APPROVED BY THE BOARD  
13          IN JULY OF 1994. STAFF HAVE, THEREFORE,  
14          DETERMINED THAT THE PERMIT IS ACCEPTABLE FOR THE  
15          BOARD'S CONSIDERATION OF CONCURRENCE. HOWEVER,  
16          THERE ARE OUTSTANDING ISSUES WITH THE SITE.

17                      NO. 1, THERE IS A HISTORY OF PERMIT  
18          VIOLATIONS AT THE SITE. IN 1994 A STIPULATED  
19          AGREEMENT WAS ISSUED TO ADDRESS CHANGES IN  
20          OPERATION, INCLUDING AN INCREASE IN TONNAGE, A  
21          CHANGE IN OPERATING SCHEDULE, AND METHANE GAS AT  
22          THE PERIMETER OF THE LANDFILL IN EXCESS OF 5  
23          PERCENT BY VOLUME. THIS STIP WAS LATER AMENDED  
24          TWICE.

25                      NO. 2, THE SITE IS IN VIOLATION OF

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1           STATE MINIMUM STANDARDS FOR EXPLOSIVE GAS CONTROL.  
2           METHANE LEVELS OF OVER 30 PERCENT HAVE BEEN  
3           DETECTED IN TWO GAS MONITORING WELLS ON THE  
4           SOUTHERN BOUNDARY OF THE SITE. A STIPULATED ORDER  
5           OF COMPLIANCE AND AGREEMENT WAS ENTERED INTO ON  
6           JUNE 21, 1996. THE OPERATOR HAS AGREED TO  
7           COMPLETE INSTALLATION OF THE REMAINING GAS  
8           MONITORING WELLS BY OCTOBER 15, 1996, AND  
9           IMPLEMENT CORRECTIVE ACTION FOR GAS MIGRATION BY  
10          OCTOBER 31, 1997. THE LEA WILL PROVIDE MORE  
11          DETAILS OF THE STIPULATED ORDER OF COMPLIANCE AND  
12          AGREEMENT LATER.

13                         NO. 3, VOLATILE ORGANIC COMPOUNDS  
14          HAVE BEEN DETECTED IN GROUNDWATER MONITORING WELLS  
15          AT THE NORTHERLY TOE OF THE LANDFILL. PURSUANT TO  
16          WASTE DISCHARGE REQUIREMENTS NO. 94-123, THE CITY  
17          IS TO IMPLEMENT CORRECTIVE ACTION MEASURES TO  
18          CORRECT THE CONTAMINATION. BENZENE HAS BEEN  
19          DETECTED IN MONITORING WELLS AT THE EAST END OF  
20          THE SITE. A THIRD MONITORING WELL WAS  
21          INSTALLED

22          LAST YEAR TO AID IN INVESTIGATING THE PRESENCE  
23          OF  
24          BENZENE.

25                         THE OPERATOR HAS BEEN WORKING

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24 CLOSELY WITH THE REGIONAL WATER QUALITY CONTROL  
25 BOARD TO MONITOR AND CORRECT THE GROUNDWATER



1           CONTAMINATION.   DAVE EVANS WITH THE NORTH COAST  
2           REGIONAL WATER QUALITY CONTROL BOARD IS PRESENT  
3           SHOULD YOU HAVE ANY QUESTIONS.

4                         NO. 4, ON MARCH 8, 1996, GILBERT  
5           ASHOFF AND MARJORIE ASHOFF, DOING BUSINESS AS  
6           VICHY SPRINGS RESORT, AND MILES CRAIL FILED A  
7           PETITION FOR WRIT OF MANDATE AGAINST THE CITY OF  
8           UKIAH, THE MENDOCINO DEPARTMENT OF ENVIRONMENTAL  
9           HEALTH, AND THE BOARD.   THE PETITION WAS FILED IN  
10          MENDOCINO COUNTY SUPERIOR COURT.

11                        THE LAWSUIT ALLEGES THAT THE BOARD  
12          FAILED TO PERFORM ITS STATUTORY DUTIES WITH  
13          RESPECT TO ENFORCEMENT OF STATE LAWS BY ALLOWING  
14          THE EXECUTION OF THE 1994 STIPULATED AGREEMENT,  
15          OVERLOOKING OR CONDONING PERMIT VIOLATIONS SINCE  
16          1979, NEGLECTING TO INTERVENE IN THE EIR IN  
17          REQUIRING THE CITY TO CONFORM WITH THE  
18          REQUIREMENTS OF CEQA, AND FAILING TO REQUIRE  
19          NECESSARY CONTROLS OVER RECYCLING OPERATIONS.

20                        IN CONCLUSION, STAFF RECOMMENDS  
21          THAT

22          THE BOARD ADOPT SOLID WASTE FACILITIES PERMIT  
23          DECISION NO. 96-318, CONCURRING IN THE ISSUANCE  
24          OF  
25          SOLID WASTE FACILITIES PERMIT NO. 23-AA-0019.

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24                   THIS CONCLUDES STAFF'S PRESENTATION.  
25                   CHAIRMAN PENNINGTON:   QUESTIONS FOR

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1 STAFF?

2 BOARD MEMBER RELIS: MR. CHAIR, BEFORE  
WE

3 GO FURTHER, I THINK WE'RE ALL IN RECEIPT OF A  
4 LETTER FROM A JOHN MAYFIELD. IT CAME IN AFTER  
THE

5 HEARING STARTED. IT SPEAKS IN SUPPORT OF THE  
CITY

6 OF UKIAH'S LANDFILL.

7 I'M GOING TO USE THIS OCCASION TO  
8 NOTE TWO FURTHER EX PARTES THAT HAVE COME IN.

ONE

9 CONCERNS WMX TECHNOLOGIES, KENT STODDARD,  
10 CONCERNING THE ITEM THAT WE WILL HEAR LATER ON  
THE

11 POD ISSUE, TRANSFER STATION MATTER. AND A THIRD  
12 FROM THE CITY OF LONG BEACH, JAMES COOL,  
REGARDING

13 THE RPPC RATE THAT WILL BE BEFORE US THIS  
14 AFTERNOON.

15 CHAIRMAN PENNINGTON: YOUR EX PARTEING  
16 THOSE FOR ALL OF US.

17 BOARD MEMBER RELIS: WELL, I DON'T KNOW  
18 WHETHER -- THE TWO LONG BEACH AND THE WMX WERE  
19 DIRECTED TO ME BY NAME. JOHN MAYFIELD WAS TO THE

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20 CHAIRMAN AND BOARD, SO TO ALL OF US.

21 BOARD MEMBER CHESBRO: THE LONG BEACH  
22 LETTER, I GOT A COPY OF.

23 BOARD MEMBER GOTCH: I DID ALSO.

24 CHAIRMAN PENNINGTON: I ASSUME I DID.

IF  
25 NOT, I'LL SEE IT.

1 ANY QUESTIONS OF STAFF ON ITEM 13?  
2 THE LEA WOULD LIKE TO SPEAK.

3 MR. MORLEY: GOOD AFTERNOON. MY NAME IS  
4 JOHN MORLEY. I'M WITH THE LOCAL ENFORCEMENT  
5 AGENCY FOR MENDOCINO COUNTY. I'D LIKE TO ADDRESS  
6 SOME ISSUES THAT WERE RAISED AT THE JULY 10TH  
7 COMMITTEE MEETING. PRIMARILY I'D LIKE TO  
8 ELABORATE ON THE ENFORCEMENT ACTIONS THAT HAVE  
9 BEEN TAKEN AT THE LANDFILL.

10 I'D LIKE TO BEGIN WITH THE MOST  
11 RECENT STIPULATED ORDER OF COMPLIANCE AND  
12 AGREEMENT THAT WAS ENTERED INTO IN JUNE OF THIS  
13 YEAR. THE STIPULATED AGREEMENT ESTABLISHES  
14 COMPLIANCE DATES FOR THE CONSTRUCTION OF GAS  
15 MONITORING WELLS AND THE GAS COLLECTION SYSTEM.  
16 CONSTRUCTION OF THE GAS WELLS IS TO BE COMPLETED  
17 BY OCTOBER OF 1996. CONSTRUCTION OF THE GAS  
18 COLLECTION SYSTEM IS TO BE COMPLETED BY OCTOBER  
19 OF  
19 1997.

20 UKIAH HAS MET THE FIRST TWO  
21 COMPLIANCE DATES ESTABLISHED IN THE STIPULATED  
22 AGREEMENT. THE PUBLIC PROCESS TO HIRE A  
23 CONTRACTOR FOR GAS WELL CONSTRUCTION HAS BEEN  
24 COMPLETED, AND THE CITY HAS HIRED A CONSULTANT TO  
25 REVISE THE GAS MIGRATION CORRECTIVE ACTION PLAN.

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1 I'D ALSO LIKE TO POINT OUT THAT THE  
2 STIPULATED AGREEMENT IS WRITTEN TO ALLOW FOR THE  
3 IMPOSITION OF CIVIL PENALTIES FOR NONCOMPLIANCE.

4 THE OTHER ENFORCEMENT ACTION TO BE  
5 TAKEN AT THE LANDFILL WAS THE STIPULATED  
AGREEMENT

6 THAT WAS ENTERED INTO IN 1994. THIS STIPULATED  
7 AGREEMENT ESTABLISHED COMPLIANCE DATES FOR A  
8 REVISED PERMIT FOR INCREASED TONNAGE AND NEW

HOURS

9 OF OPERATION, A GAS MONITORING PLAN, SUBMITTAL OF  
10 CLOSURE/POSTCLOSURE MAINTENANCE PLANS, USE OF  
11 ALTERNATIVE DAILY COVER, AND DEVELOPMENT OF A  
12 SEDIMENTATION CONTROL PLAN.

13 AS OF FEBRUARY 1996, WITH THE  
14 SUBMITTAL OF THE APPLICATION FOR PERMIT  
CONDITIONS

15 TO THE LOCAL ENFORCEMENT AGENCY, THE CITY HAS MET  
16 WITH ALL THE COMPLIANCE DATES.

17 NOW, THERE WAS SOME QUESTION OVER  
18 THE DAILY TONNAGE THAT WAS ESTABLISHED IN THE  
1994

19 STIPULATED AGREEMENT. THE AVERAGE DAILY TONNAGE  
20 OF 98 TONS PER DAY WAS CALCULATED ON A CONVERSION  
21 FACTOR OF 662 POUNDS PER CUBIC YARD COMPACTED

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22 WASTE. WHEN THE CITY INSTALLED THE SCALE AT THE  
23 LANDFILL AND BEGAN WEIGHING THE LOADS, IT WAS  
24 FOUND THAT COMMERCIAL HAULERS WERE COMPACTING  
MORE  
25 WASTE INTO THEIR TRUCKS. THE ACTUAL CONVERSION



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1           FACTOR IS AN AVERAGE OF 850 POUNDS PER CUBIC YARD  
2           BY VOLUME OF WASTE. SO WHILE THE TONNAGE  
3           INCREASED, THE ACTUAL VOLUME GOING INTO THE  
4           LANDFILL REMAINED THE SAME.

5                       I'D ALSO TO LIKE MENTION THAT THE  
6           CITY HAS A HAZARDOUS WASTE LOAD SWEEPING PROGRAM  
7           IN PLACE AT THE LANDFILL, AND THAT THE LEA  
8           MONITORS THE RECORDS AND CHECK THE RECORDS ON A  
9           MONTHLY BASIS. BE HAPPY TO ANSWER ANY QUESTIONS.

10                   CHAIRMAN PENNINGTON: ANY QUESTIONS?  
11           OKAY. I HAVE A LOT OF PEOPLE HERE THAT WANT TO  
12           ADDRESS, AND I WOULD CERTAINLY ENCOURAGE  
EVERYBODY  
13           TO SPEAK, BUT I WOULD ALSO ENCOURAGE YOU TO BE AS  
14           BRIEF AS POSSIBLE SO WE CAN GET THROUGH AS  
QUICKLY  
15           AS WE CAN. MR. RICK KENNEDY.

16                   MR. KENNEDY: GOOD AFTERNOON, MR.  
17           CHAIRMAN AND MEMBERS OF THE INTEGRATED WASTE  
18           MANAGEMENT BOARD. FIRST, I WANT TO THANK ALL  
FIVE  
19           MEMBERS FOR TAKING THE TIME TO VISIT OUR LANDFILL  
20           YESTERDAY AND GIVING US THE OPPORTUNITY TO SHOW  
21           YOU OUR FACILITY AND TO DISCUSS SOME OF THE  
ISSUES

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22                    THAT ARE AT HAND.

23                                    AS I TESTIFIED IN THE PUBLIC

HEARING

24                    CONDUCTED ON JULY 10TH BEFORE THE PERMITTING AND

25                    ENFORCEMENT COMMITTEE, THERE ARE TWO EQUALLY

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1           IMPORTANT ISSUES DRIVING THE PROPOSED PERMIT  
2           REVISION THAT IS BEFORE THIS BOARD TODAY.   THESE  
3           ISSUES ARE ECONOMIC VIABILITY AND REGIONALIZATION  
4           FOR THE UNIFICATION OF THIS COUNTY'S MINUTE WASTE  
5           STREAM THAT IS ESTIMATED AT A 170 TO A 180 TONS A  
6           DAY.

7                               FIRST THE ECONOMIC VIABILITY ISSUE.  
8           WHAT IS THAT ONE RESOURCE WHICH WILL ENABLE THE  
9           CITY TO CONTINUE TO MEET ITS OBLIGATION TO  
10          MITIGATE THE VOC IMPACT TO ON-SITE GROUNDWATERS  
AT

11          THE NORTH TOE OF THE LANDFILL, TO CONSTRUCT GAS  
12          EXTRACTION WELLS ALONG THE SOUTHERN LANDFILL  
13          BOUNDARY TO REDUCE MIGRATING METHANE TO WITHIN  
14          ALLOWABLE LEVELS, TO CONTINUE ITS INVESTIGATION  
OF

15          THE BENZENE IMPACT AT THE EAST END OF THE  
16          LANDFILL, AND TO CONTINUE TO SET ASIDE FUNDS  
INTO

17          THE LANDFILL CLOSURE FUND?   THIS RESOURCE IS  
18          REVENUE.

19                               IF WE ARE NOT ALLOWED TO RECEIVE  
AT

20          A MINIMUM THE WASTE LOADING WE ARE ACCEPTING  
21          TODAY, WE CANNOT MEET OUR OBLIGATIONS TO

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MITIGATE

22                   THESE IMPACTS JUST IDENTIFIED, NOR CAN WE

CONTINUE

23                   TO MAKE ANNUAL PAYMENTS TO THE CLOSURE FUND.

THIS

24                   YEAR ALONE WE HAVE BUDGETED \$572,000 FOR

ENVIRON-

25                   MENTAL PROTECTION PROJECTS OF WHICH \$329,000 IS

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1 BUDGETED FOR AN ALTERNATE LEACHATE CONTAINMENT  
2 SYSTEM, WHICH IS REQUIRED UNDER OUR CURRENT  
WASTE  
3 DISCHARGE REQUIREMENTS.

4 THIS PROJECT WILL INCLUDE A  
LEACHATE  
5 FORCED MAIN LINE AND GRAVELING LINE WHICH WILL  
BE  
6 EXTENDED TO THE PUBLIC SEWER AT VICHY SPRINGS  
7 ROAD. THE COST OF THESE ENVIRONMENTAL PROJECTS  
8 REPRESENTS OVER ONE-QUARTER OF OUR LANDFILL'S  
9 BUDGET, WHICH IS AT \$2 MILLION. WE HAVE  
BUDGETED  
10 \$235,000 FOR OUR ANNUAL PAYMENT TO THE CLOSURE  
11 FUND AND \$85,000 OF OUR ENVIRONMENTAL  
12 SELF-INSURANCE FUND. RUNNING A LANDFILL, AS  
YOUR  
13 BOARD KNOWS, IS EXPENSIVE.

14 WE ARE CURRENTLY ACCEPTING  
15 APPROXIMATELY 120 TONS PER DAY AT THE LANDFILL  
OF  
16 WHICH 110 TONS ARE LANDFILLED. THE REMAINING 10  
17 TONS PER DAY ARE DIVERTED MATERIALS. WE'VE BEEN  
18 TOLD THAT THE UKIAH LANDFILL HAS THE SECOND  
19 HIGHEST TIPPING FEES IN THE STATE, APPARENTLY

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20 SECOND. RAISING TIPPING FEES BEYOND TODAY'S  
RATES  
21 IS NOT AN OPTION FOR US. YOUR BOARD SAW THIS  
22 MORNING THE RESULTS OF HIGH TIPPING RATES.  
23 IF WE ARE NOT ALLOWED TO ACCEPT AT  
A  
24 MINIMUM THE CURRENT WASTE LOADING, WE CANNOT  
25 CONTINUE TO OPERATE, NOR CAN WE CONTINUE TO MEET

1 OUR ENVIRONMENTAL PROTECTION OBLIGATIONS.

2 CONCERNING THE SECOND AND EQUALLY  
3 IMPORTANT ISSUE IS THE UNIFICATION OF THIS  
4 COUNTY'S WASTE STREAM. THERE ARE ONLY TWO MAJOR  
5 LANDFILLS REMAINING IN THIS COUNTY, WILLETS AND  
6 UKIAH. THE WILLETS LANDFILL IS PROJECTED TO REACH  
7 CAPACITY THIS TIME NEXT YEAR, AND UKIAH'S LANDFILL  
8 IS PROJECTED TO CLOSE IN OCTOBER OF 1999 AT  
9 TODAY'S CURRENT WASTE LOADING. THERE WILL BE NO  
10 EXPANSION OF THESE LANDFILLS, NOR WILL THERE BE A  
11 NEW LANDFILL IN THIS COUNTY.

12 OUR WASTE STREAM IS TOO SMALL TO  
13 SUPPORT A DOUBLE-LINED LEAK DETECTION SUBTITLE D  
14 LANDFILL AT REASONABLE TIPPING FEES. OUR ONLY  
15 REMAINING OPTIONS ARE TRANSFER STATIONS FROM WHICH  
16 OUR WASTE WILL BE SHIPPED OUT OF THE COUNTY OR OUT  
17 OF STATE TO A LARGE REGIONAL SUBTITLE D LANDFILL.  
18 HOW CAN THE THREE CITIES AND THE COUNTY OF  
19 MENDOCINO OFFER ITS CITIZENS, ITS RATEPAYERS, ITS  
20 VOTERS A REASONABLE TIPPING FEE AT A NEAR FUTURE  
21 TRANSFER STATION?

22 CAL WORTHINGTON AND HIS DOG SPOT CAN  
23 OFFER YOU A REASONABLE PRICE FOR A QUALITY USED  
24 VEHICLE BECAUSE THEY DEAL IN VOLUME. THE  
25 MENDOCINO SOLID WASTE MANAGEMENT AUTHORITY, MSWMA,

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1 THE JOINT POWERS AUTHORITY REPRESENTING THE CITIES  
2 OF UKIAH, FORT BRAGG, WILLETS, AND THE COUNTY OF  
3 MENDOCINO IS DEDICATED IN PROVIDING THIS COUNTY  
4 WITH A REGIONAL TRANSFER STATION BY WHICH ITS  
5 AGENCY MEMBERS CAN ENJOY THE BENEFITS DERIVED BY  
6 COMBINING VOLUME.

7 WITH THIS VOLUME, MSWMA CAN CAUSE  
8 THE CONSTRUCTION AND OVERSEE THE OPERATION BY  
9 PRIVATE ENTERPRISE AN ENVIRONMENTALLY SOUND AND  
10 ENCLOSED TRANSFER STATION, WHICH I THINK THIS  
11 BOARD WOULD NOT HESITATE TO CONCUR WITH ITS PERMIT  
12 TO OPERATE.

13 THERE IS A MINORITY GROUP IN THIS  
14 COUNTY WHO BELIEVE THAT EACH CITY OR THEIR  
15 RESPECTIVE HAULER SHOULD BE LEFT TO THEIR OWN  
16 DEVICES, REQUIRING THEM TO BUILD AND OPERATE  
17 MODIFIED TRANSFER STATIONS EXPOSED TO THE  
18 ENVIRONMENT. THESE FACILITIES WILL EITHER BE LOW  
19 BUDGET AFFAIRS OR FACILITIES THAT CHARGE HIGH  
20 TIPPING FEES BECAUSE THEY WILL NOT HAVE VOLUME. I  
21 DO NOT BELIEVE THIS BOARD WILL LOOK FORWARD IN  
22 PERMITTING SEVERAL LOW BUDGET TRANSFER STATIONS.

23 THE UKIAH LANDFILL IS A KEY  
24 COMPONENT IN MSWMA'S PLAN TO PROVIDE A COST  
25 EFFECTIVE AND ENVIRONMENTALLY SOUND REGIONAL

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1           TRANSFER STATION FOR ITS AGENCY MEMBERS. IT IS  
2           ESTIMATED THAT THIS NEW FACILITY WILL BE  
3           OPERATIONAL BY MIDYEAR OF 1998.

4                         IN ORDER TO PROVIDE WILLETS AND FORT  
5           BRAGG AN OPTION TO PARTICIPATE IN THE REGIONAL  
6           TRANSFER STATION AND THEREBY ENJOY THE BENEFITS OF  
7           VOLUME, THE CITY OF UKIAH MUST BE ALLOWED TO  
8           ACCEPT WASTE FROM WILLETS AND FORT BRAGG AFTER THE  
9           CLOSE OF WILLETS LANDFILL IN JULY OF '97 AND UNTIL  
10          THE REGIONAL TRANSFER IS OPERATIONAL MIDYEAR 1998.  
11          THE APPROVAL OF THE REVISED PERMIT BEFORE YOU WILL  
12          ALLOW THIS TO HAPPEN. WILLETS MUST PLAN FOR ITS  
13          FUTURE WASTE DISPOSAL NOW, NOT ONE YEAR FROM NOW  
14          WHEN THIS LANDFILL CLOSES.

15                        MR. CHAIRMAN, I WOULD NOW LIKE TO  
16          ADDRESS TWO CONCERNS THAT WERE RAISED DURING THE  
17          PUBLIC HEARING ON JULY 10TH. THEY PERTAIN TO ONE  
18          CURRENT WASTE LOADING AND THE PERCEIVED MAXIMUM  
19          AVERAGE DAILY LOADING OF 50 TONS UNDER THE '79  
20          SOLID WASTE FACILITIES PERMIT AND, TWO, THE CITY'S  
21          LOAD CHECKING PROGRAM.

22                        FIRST I WOULD LIKE TO INTRODUCE MY  
23          COVER LETTER DATED JULY 29TH AND THE DOCUMENTS  
24          ATTACHED TO IT FOR INCLUSION INTO THE PUBLIC  
25          RECORD OF THIS HEARING. THESE DOCUMENTS WERE

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1            PROVIDED TO ALL FIVE MEMBERS DURING YOUR SITE  
2            VISIT OF YESTERDAY AS AN ADVANCE COPY FOR REVIEW  
3            AND STUDY.

4                            THE INCLUDED DOCUMENTS ARE A BRIEF  
5            SUMMARY OF UKIAH'S EFFORT IN OBTAINING A REVISED  
6            SOLID WASTE FACILITY PERMIT, A COMPARISON OF THE  
7            '79 FACILITIES PERMIT, AND THE CURRENT STIPULATED  
8            AGREEMENT, AND SUPPORTING DOCUMENTS LABELED  
9            ATTACHMENTS 1 THROUGH 7 AND ATTACHMENT 8.

10           ATTACHMENT 8 IS A COPY OF A NEWS ARTICLE WHICH  
11           APPEARED IN THE UKIAH\_DAILY\_JOURNAL ON SEPTEMBER

12

20, 1995, AND AN EDITORIAL PRINTED ON FEBRUARY 10,

13           '96. I BELIEVE THIS NEWSPAPER ARTICLE PLACES IN  
14           PERSPECTIVE THE AGENDA OF THE LANDFILL'S MOST  
15           OUTSPOKEN OPPONENT, MR. GILBERT ASHOFF.

16                            AS NOTED IN THE BRIEF SUMMARY OF OUR  
17           EFFORTS CONCERNING THIS REVISED PERMIT, THE CITY  
18           OF UKIAH INITIATED THIS PROCESS ON SEPTEMBER 12,  
19           1988. IT HAS BEEN A LONG HAUL.

20                            INCLUDED AS ATTACHMENT 1 IS A  
21           CHRONOLOGY OF THE VARIOUS EVENTS WHICH HAVE TAKEN  
22           PLACE, THE VARIOUS FACILITIES THAT HAVE BEEN  
23           CONSTRUCTED, AND THE VARIOUS PLANS AND PROGRAMS  
24           THAT HAVE BEEN PREPARED AND IMPLEMENTED TO THE  
25           TUNE OF APPROXIMATELY \$1 MILLION. OUR EIR ALONE

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1 COST A \$140,000.

2 DURING THE PERMITTING AND  
3 ENFORCEMENT COMMITTEE'S PUBLIC HEARING ON JULY  
4 10TH, THE LEA WAS ASKED WHY WAS UKIAH PERMITTED TO  
5 EXCEED THE DAILY LOADING OF 50 TONS PER DAY AS  
6 NOTED IN THE '79 FACILITIES PERMIT. UKIAH STAFF  
7 RESPONDED THAT THE DAILY AVERAGE LOADING OF 50  
8 TONS WAS DESCRIPTIVE.

9 I REFER THE BOARD'S ATTENTION TO  
10 ATTACHMENT 3, WHICH IS A COPY OF THE '79  
11 FACILITIES PERMIT. YOU NOTICE ON THE LAST  
12 PARAGRAPH, LAST SENTENCE OF THE FIRST PARAGRAPH,  
13 IT SAYS AN AVERAGE OF 50 TONS OF WASTE ARE  
14 RECEIVED AT THIS SITE DAILY. THERE'S NO MENTION  
15 OF MAXIMUM DAILY.

16 ALSO, I CALL THE BOARD'S ATTENTION  
17 TO THE OPERATION OF THIS FACILITY. THIS SITE IS  
18 OPERATED FROM NINE TO FIVE SEVEN DAYS EXCEPT FOR  
19 THANKSGIVING, CHRISTMAS, AND NEW YEARS DAY. BASED  
20 ON A 365 CALENDAR YEAR OR DAY YEAR, THAT'S 362  
21 DAYS A YEAR. WE'RE CURRENTLY OPERATING AT FIVE  
22 DAYS PER WEEK. THAT EQUATES TO APPROXIMATELY,  
23 LESS RECOGNIZED HOLIDAYS, THAT EQUATES TO  
24 APPROXIMATELY 257 TO 260 OPERATIONAL DAYS A YEAR.

25 I REFER THE BOARD'S ATTENTION TO

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1 ATTACHMENT 4, WHICH IS A MEMORANDUM FROM THE  
2 CITY'S DEPUTY DIRECTOR TO THE COUNTY'S DIRECTOR OF  
3 ENVIRONMENTAL HEALTH DATED FEBRUARY 20, 1979.  
4 THIS IS ONE MONTH PRIOR TO THE DATE OF THE  
5 PROPOSED PERMIT, WHICH WAS MARCH 21, 1979.

6 IN PARTICULAR, ON TWO OF FOUR OF  
7 THAT ATTACHMENT NO. 4, ITEM NO. 10, SAYS  
8 APPROXIMATELY 45 TO 50 TONS OF WASTE ARE RECEIVED  
9 PER DAY. ITEM NO. 11, PEAK DAYS HISTORICALLY  
10 OCCUR AFTER MAJOR HOLIDAYS AND PERIODS OF HEAVY  
11 RAINFALL. PEAKS USUALLY ARE 50 PERCENT OVER THE  
12 AVERAGE.

13 ITEM NO. 12, APPROXIMATELY 110  
14 VEHICLES ENTER THE SITE EACH DAY. THAT'S OUR  
15 CURRENT VOLUME TODAY.

16 ITEM NO. 17, A 30-PERCENT INCREASE  
17 IN LOCAL POPULATION DURING THE NEXT TEN YEARS HAS  
18 BEEN ESTIMATED, WHICH WILL BE REFLECTED IN A  
19 PROPORTIONATE INCREASE IN FUTURE SOLID WASTE  
20 PRODUCTION. THIS PERMIT, '79 FACILITIES PERMIT,  
21 DOESN'T EVEN ADDRESS THAT. AS I UNDERSTAND IT,  
22 THESE PERMITS HAVE A PERIOD OF FIVE YEARS, AND I  
23 THINK AT LEAST THE PERMIT WOULD HAVE ADDRESSED A  
24 50-PERCENT INCREASE OVER FIVE YEARS.

25 THE CITY HAS AND CURRENTLY MAINTAINS

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1            THAT THE REFERENCE TO THE AVERAGE DAILY TONNAGE OF  
2            50 TONS IS ONLY A DESCRIPTIVE REFERENCE.

3                        I NOW REFER THE BOARD'S ATTENTION TO  
4            ATTACHMENT 7, PAGE 1 OF 2. IT IS A CHART, TABLE.  
5            OF INTEREST ARE THE LAST TWO COLUMNS. SECOND TO  
6            LAST COLUMN IS AVERAGE DAILY TONNAGE, SEVEN DAYS  
7            PER WEEK. THE LAST COLUMN IS AVERAGE DAILY  
8            TONNAGE, FIVE DAYS A WEEK. THERE'S 260  
9            OPERATIONAL DAYS AT A MAXIMUM.

10                      IN 1979, AND AS I HAVE NOTED ON PAGE  
11            2 OF 2, THERE'S NOTES 1 THROUGH 10 THAT DESCRIBE  
12            THE VARIOUS COLUMNS. IN 1979 THE CITY DID NOT  
13            DIFFERENTIATE BETWEEN COMPACTED AND LOOSE REFUSE.  
14            THAT OCCURRED IN JULY OF 1980. IT WAS FOUND THAT  
15            APPROXIMATELY 19 PERCENT OF THE REFUSE RECEIVED  
16            WAS COMPACTED, 81 PERCENT WAS LOOSE. BASED ON  
17            THAT FINDING, I CONVERTED THAT TOTAL REFUSE OF  
18            135,626 CUBIC YARDS INTO LOOSE AND COMPACTED.

19                      IN MAY OF 1981, BROWN VENCE AND  
20            ASSOCIATES PERFORMED A WEIGHT DENSITY STUDY. FROM  
21            THAT STUDY, THEY DETERMINED THAT THE AVERAGE  
22            POUNDS PER CUBIC YARD FOR COMPACTED LOAD WAS 661.7  
23            POUNDS PER CUBIC YARD. THEY DETERMINED THAT LOOSE  
24            WAS 282.5 POUNDS PER CUBIC YARD. UTILIZING THESE  
25            CONVERSION RATES, UNIT WEIGHTS, IF YOU WILL, I

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1            CONVERTED THE LOOSE TO COMPACTED BASED ON A RATIO  
2            OF COMPACTED TO LOOSE OF 2.34. I TOOK THAT  
3            EQUIVALENT OF COMPACTED, ADDED IT TO THE  
4            COMPACTED, AND I GOT A TOTAL CONVERTED TONNAGE OF  
5            24,058 TONS.

6                            AS SHOWN, AS INDICATED IN THE SECOND  
7            TO LAST COLUMN, THE SEVEN-DAY OPERATIONAL WEEK,  
8            THAT IS 66 TONS. WE WEREN'T TAKING 50; WE WERE  
9            TAKING 66. WHEN YOU CONVERT THAT TO A FIVE-DAY  
10           OPERATIONAL WEEK, WE WERE TAKING 93. THAT WOULD  
11           BE EQUIVALENT TO 93. THAT IS NOT TOO MUCH  
12           DIFFERENT FROM WHAT WE'RE DOING TODAY.

13                           AS THE BOARD CAN SEE, WE PEAKED IN  
14           1987. WE WERE TAKING 95 TONS PER DAY UNDER THE  
15           SEVEN-DAY OPERATIONAL WEEK, AND FROM THERE IT  
16           STARTED TO DECREASE TILL WE REACHED 1994. LAST  
17           QUARTER OF 1994, I THINK THAT WAS MENTIONED  
18           EARLIER, ANOTHER WEIGHT DENSITY SURVEY, AND OUR  
19           UNIT WEIGHTS WERE MUCH HIGHER. WE CONVERTED OUR  
20           ENTIRE '94 VOLUME TO UTILIZING THESE NEW HIGHER  
21           UNIT WEIGHTS.

22                           THEN IN 1995 WE SHOW ANOTHER SLIGHT  
23           INCREASE BECAUSE OF THE SCALE. THE SCALE WAS  
24           OPERATIONAL FEBRUARY 7, 1995, AND WE USED THE  
25           SCALE TO WEIGH COMPACTED REFUSE. WE STILL  
CONVERT

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1 LOOSE REFUSE BY UTILIZING THIS NEWER CONVERSION  
2 FACTOR OF 300 POUNDS PER CUBIC YARD.

3 I LOST MY PLACE. I INCLUDED AN  
4 ATTACHMENT. I DON'T HAVE A NUMBER OFF THE TOP  
OF

5 MY HEAD. HERE IT IS. ATTACHMENT NO. 6. THIS  
IS

6 A LETTER TO DAVID KOPPEL, LOCAL ENFORCEMENT  
7 AGENCY, DATED FEBRUARY 21, 1996, REQUESTING A  
8 REVISION TO THE STIPULATED AGREEMENT. AND IN  
THIS

9 LETTER I BASICALLY -- WE SAY WHAT I JUST  
OUTLINED.

10 WE DID A NEW WEIGHT SURVEY. WE INSTALLED A  
SCALE.

11 WE GOT HIGHER RATES. WE NEED TO REVISE THE  
12 STIPULATED AGREEMENT.

13 THIS MATTER WAS DISCUSSED WITH THE  
14 LEA AND WAS DETERMINED THAT THE STIP WOULD NOT  
BE

15 AMENDED FOR THREE REASONS, WHICH WERE THE  
16 PROXIMITY TO PERMIT CLOSURE, THE TRAFFIC VOLUME  
17 DID NOT INCREASE, AND THERE WAS NO INCREASE IN  
18 VOLUME OF REFUSE RECEIVED. CITY OF UKIAH HAS  
MADE

19                   AN HONEST EFFORT IN COMPLYING WITH THE  
CONDITIONS  
20                   OF THE STIP.  
21                                   THE SECOND ITEM OF CONCERN RAISED  
IN  
22                   THE PUBLIC HEARING OF JULY 10TH WAS THE CITY'S  
23                   LOAD CHECKING PROGRAM.   MR. RICHARD ROOS-  
COLLINS,  
24                   ATTORNEY FOR MR. GILBERT ASHOFF AND MILES CRAIL,  
25                   ALLEGED THAT THE CITY'S LOAD CHECKING PROGRAM  
WAS



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1 DEFICIENT AND THAT THE OPERATIONAL STAFF AND  
2 MANAGEMENT WERE INDIFFERENT TO THE LOAD CHECKING  
3 RESPONSIBILITIES.

4 COMMITTEE CHAIRMAN FRAZEE ASKED  
5 BOARD STAFF IF THE CITY HAD ADOPTED A LOAD  
6 CHECKING PROGRAM, AND BOARD STAFF REPLIED YES.  
7 HERE IS THAT PROGRAM. HAVE WE IMPLEMENTED THAT  
8 PROGRAM? THE ANSWER IS YES. THESE ARE OUR DAILY  
9 LOGS OR THE LOGS OF THE INSPECTIONS AND ALSO  
10 INCIDENT REPORTS.

11 THE PLAN INCORPORATES RANDOM LOAD  
12 CHECKS; HOWEVER, THE EQUIPMENT OPERATOR HAS BEEN  
13 TRAINED AND INSTRUCTED TO LOOK FOR ITEMS THAT DO  
14 NOT BELONG IN OUR LANDFILL AS HE PUSHES AND  
15 DISTRIBUTES THE WASTE FROM THE TIPPING PAD TO THE  
16 REFUSE CELL. I'D LIKE TO SHOW YOU SOME EXAMPLES  
17 OF OUR EFFORTS.

18 THESE TWO GENTLEMEN BROUGHT INTO  
19 OUR  
20 LANDFILL, AS YOU CAN SEE, PAINT CANS, PAINT  
21 THINNER, ETC. WHAT THEY'RE DOING HERE IN THIS  
22 PICTURE IS THEY'RE REMOVING THESE ARTICLES FROM  
23 THEIR REFUSE THAT THEY BROUGHT INTO OUR LANDFILL.  
24 WE GAVE IT BACK TO THEM. THEY WERE INSTRUCTED TO  
CONTACT MSWMA'S HOUSEHOLD HAZARDOUS WASTE

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COLLECT-  
25 ION PROGRAM.

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1 I BLEW THIS PICTURE UP TO TAKE TO  
2 PAUL HAGEN, DEPUTY DISTRICT ATTORNEY FOR THE  
3 COUNTY OF MENDOCINO, WHO HEADS UP THE  
4 ENVIRONMENTAL TASK FORCE. I ASKED PAUL, "CAN WE  
5 PROSECUTE THESE INDIVIDUALS?" WE TAKE THIS  
6 ACTION -- THESE ACTIONS VERY SERIOUSLY.  
7 APPARENTLY IT'S VERY DIFFICULT TO PROSECUTE THESE  
8 INDIVIDUALS, BUT WE'RE NOT GOING TO GIVE UP.  
9 WE'RE GOING TO MAKE THE EFFORT.

10 PATTI, COULD YOU DISTRIBUTE THAT,  
11 PLEASE?

12 ANOTHER EXAMPLE OF WASTE THAT WE  
13 FOUND IN THE DEBRIS BOX THAT THE COUNTY HAULER  
14 BROUGHT INTO OUR LANDFILL. THIS IS THE INCIDENT  
15 REPORT, OUR STANDARD REPORT THAT WE UTILIZE. WE  
16 HAPPENED TO TAKE THESE PICTURES TO DOCUMENT.  
17 AGAIN, WE WANTED TO STRESS COMPLIANCE. ON THE  
18 BACK OF HERE IS MY LETTER TO EMPIRE WASTE

ASKING

19 THEM TO ASSIST US IN EDUCATING THEIR CUSTOMERS  
20 NOT

TO PUT THIS KIND OF STUFF IN THE DEBRIS BOXES.

WE

21 TREAT ALL DEBRIS BOXES WITH SUSPICION.

22 AND LAST, SOME OF OUR LOAD

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CHECKING

23                   TECHNIQUES ARE RATHER UNIQUE.   WE CAPTURED ON  
FILM

24                   AN INCIDENT I AFFECTIONATELY REFER TO AS THE  
RAT  
25                   INCIDENT.   HERE WE HAVE THE LAST CUSTOMER OF  
THE

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1 DAY. IT'S 3:45 IN THE AFTERNOON. WE CLOSE AT  
2 FOUR. MEN HAVE JUST COVERED MOST OF THE REFUSE  
3 WITH ADC. THIS CUSTOMER IS MR. GIL ASHOFF WITH  
4 HIS HELPER UNLOADING THE TRASH. THIS SCRAMBLE YOU  
5 SEE -- THESE MEN ARE SCRAMBLING BECAUSE THERE ARE  
6 THREE RATS THAT MADE THEIR BREAK FROM THAT REFUSE.  
7 THESE PICTURES, THEY'RE INDIVIDUAL MUG SHOTS OF  
8 OUR FUGITIVES. AND SUBSEQUENTLY -- AND FINALLY,  
9 THIS IS THE CAPTURE AND THE SUBSEQUENT EXECUTION.  
10 WE TAKE OUR LOAD CHECKING RESPONSIBILITIES VERY  
11 SERIOUSLY.

12 I'D LIKE TO ADD, THIS YOUNG MAN  
13 HERE, HAYDEN, LEWIS HAYDEN, INJURED HIS FINGER,  
14 JAMMED HIS FINGER TRYING TO CAPTURE ONE OF THESE  
15 RATS. HE MISSED A DAY OF WORK. THERE WERE SEVEN  
16 WITNESSES TO THAT INCIDENT, FIVE OF WHICH WERE  
17 CITY EMPLOYEES, AND ALL FIVE WILL VERIFY THAT THE  
18 CITY DID NOT PUT THOSE RATS INTO THAT REFUSE  
19 PILE.

19 THE TWO EQUALLY IMPORTANT ISSUES  
20 BEHIND THIS PERMIT REVISION ARE GOALS THAT WE  
21 MUST  
22 OBTAIN ON BEHALF OF OUR CONSTITUENTS. I BELIEVE  
23 THESE GOALS ARE YOUR GOALS. HELP US ACHIEVE OUR  
GOALS BY CONCURRING WITH THE PERMIT REVISION

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24                   BEFORE YOU.

25                                   IN CONCLUSION, MR. CHAIRMAN, WE DO

1 NOT HAVE A PERFECT LANDFILL, BUT WE ARE NOT THIS  
2 TOXIC DUMP SITE THAT THE OPPONENT TO OUR LANDFILL  
3 WILL LEAD YOU TO BELIEVE. STAFF AND THE CITY  
4 COUNCIL ARE COMMITTED TO MITIGATING THE IMPACTS  
5 IDENTIFIED AND MAKING THIS A MODEL LOW VOLUME  
6 LANDFILL.

7 AND LASTLY, THE OPERATOR AND THE  
8 LANDFILL STAFF ARE NOT PERFECT. WE'RE HUMAN AND,  
9 THEREFORE, SUBJECT TO MAKING MISTAKES, WHICH IN  
10 THE REGULATED LANDFILL BUSINESS WE CALL  
11 VIOLATIONS. STAFF IS COMMITTED IN CORRECTING  
12 THESE MISTAKES THAT WE HUMANS ARE SUBJECT TO MAKE.  
13 AND I BELIEVE THAT THE PROGRESS WE HAVE MADE  
14 DURING THE LAST SEVERAL YEARS DEMONSTRATES OUR  
15 COMMITMENT. I DON'T THINK THERE'S A LANDFILL IN  
16 THIS STATE NOR THIS NATION THAT FROM TIME TO TIME  
17 DOESN'T HAVE A VIOLATION, AND I DO NOT BELIEVE IT  
18 IS A GOAL OF THE LEA NOR THIS BOARD TO PUNISH  
19 LANDFILL OPERATORS THAT MAKE AN HONEST EFFORT TO  
20 CORRECT THEIR VIOLATIONS. I BELIEVE IT IS THE  
21 GOAL OF THE LEA'S AND THIS BOARD TO PUNISH THOSE  
22 OPERATORS WHO ABSOLUTELY REFUSE TO CORRECT THEIR  
23 DEFICIENCIES.

24 MR. CHAIRMAN, THAT CONCLUDES MY  
25 PUBLIC TESTIMONY; AND IF THERE ARE NO OTHER

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1           QUESTIONS, I'LL SIT DOWN.

2                   CHAIRMAN PENNINGTON:   THANK YOU, MR.  
3           KENNEDY.   ANY QUESTIONS OF MR. KENNEDY?   THANK  
4           YOU.

5                   NEXT WE'LL HAVE RICHARD SHOEMAKER.  
6           I AGAIN URGE YOU TO BE BRIEF.

7                   VICE MAYOR SHOEMAKER:   MR. CHAIRMAN,  
8           COULD I DEFER TO THE END?

9                   CHAIRMAN PENNINGTON:   SURE.

10                  VICE MAYOR SHOEMAKER:   THANK YOU.

11                  CHAIRMAN PENNINGTON:   JAMES MASTIN.

12                  MR. MASTIN:   MR. CHAIRMAN, MEMBERS OF THE  
13           BOARD, AND STAFF, WELCOME TO UKIAH.   MY NAME IS  
14           JIM MASTIN.   I'M A MEMBER OF THE CITY COUNCIL HERE  
15           IN UKIAH.   SORRY WE COULDN'T ACCOMMODATE YOU A  
16           LITTLE BETTER ON THE WEATHER.

17                   COUPLE OF WEEKS AGO I MADE A  
18           STATEMENT BEFORE YOUR COMMITTEE THAT AS THE NEWEST  
19           MEMBER OF THE UKIAH CITY COUNCIL, NO ONE IS AS  
20           EAGER AS I AM TO SEE OUR LANDFILL CLOSE.   I ALSO  
21           STATED AT THAT TIME, HOWEVER, THAT WE NEEDED TO DO  
22           THAT IN A RESPONSIBLE WAY, BOTH ENVIRONMENTALLY AS  
23           WELL AS FISCALLY.   AND I BELIEVE THAT THE PERMIT  
24           APPLICATION YOU HAVE BEFORE YOU HELPS US ACCOM-  
25           PLISH BOTH OF THOSE OBJECTIVES.

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1 I ALSO WANTED TO REASSURE YOU THAT,  
2 CERTAINLY AS LONG AS I'M ON THE CITY COUNCIL, THAT  
3 THE CITY OF UKIAH WILL DILIGENTLY WORK TO MITIGATE  
4 ANY PROBLEMS IDENTIFIED BY YOUR BOARD OR ANY OTHER  
5 REGULATORY AGENCY. AND AGAIN, I HOPE YOU WILL  
6 LOOK FAVORABLY UPON OUR PERMIT APPLICATION SO THAT  
7 WE CAN MOVE FORWARD AND COME A SPEEDY AND  
8 EFFICIENT CLOSURE OF OUR LANDFILL. THANK YOU.

9 CHAIRMAN PENNINGTON: THANK YOU. ANY  
10 QUESTIONS?

11 NEXT WE HAVE SUPERVISOR LIZ HENRY.

12 SUPERVISOR HENRY: GOOD AFTERNOON, MR.  
13 CHAIRMAN AND MEMBERS OF THE BOARD. MY NAME IS LIZ  
14 HENRY. I'M THE CHAIRMAN OF THE MENDOCINO COUNTY  
15 BOARD OF SUPERVISORS. AND I AGAIN WELCOME YOU TO  
16 MENDOCINO COUNTY.

17 FIRST, LET ME TAKE THIS OPPORTUNITY  
18 BECAUSE I'VE MET A COUPLE OF YOU. I KNOW WESLEY  
19 AND MR. FRAZEE WAS THERE AT THE CLOSURE, VERY  
20 POSITIVE EVENT, THE CLOSURE OF CASPAR LANDFILL.  
21 WHEN I WAS ELECTED IN 1988, I WAS LUCKY ENOUGH TO  
22 LAYTONVILLE LANDFILL IN MY DISTRICT. SO WITH  
23 REDISTRICTING, I LOST LAYTONVILLE AND GAINED  
24 CASPAR. AND SO I'VE HAD VERY INTIMATE KNOWLEDGE  
25 OF THE CASPAR LANDFILL AND ITS PROBLEMS OVER  
THESE

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1           MANY YEARS.

2                           AND I DON'T KNOW HOW WE WOULD HAVE  
3       RESOLVED THEM WITHOUT YOUR SUPPORT FINANCIALLY, A  
4       LOT OF MORAL SUPPORT FROM YOUR STAFF, MR.  
5       CHANDLER. WE REALLY APPRECIATE IT. IT HAS HELPED  
6       US A LOT, AND IT LEAVES US WITH ONLY ONE LANDFILL  
7       TO -- WELL, TWO LANDFILLS TO DEAL WITH, BUT CASPAR  
8       WAS ENOUGH FOR SIX OR SEVEN OTHER LANDFILLS.

9                           SO I WANTED TO STARTED WITH THAT,  
10      BUT I FIND UKIAH NOW IS WHAT I CONSIDER A REALLY  
11      DESPERATE SITUATION. AND I'M HERE TO HELP THEM AS  
12      MUCH AS I CAN TO SUPPORT THEIR PERMIT APPLICATION.

13                          MY OTHER EDUCATION AND KNOWLEDGE AS  
14      FAR AS SOLID WASTE HAS BEEN THAT I HAVE FROM ITS  
15      INCEPTION BEEN ONE OF THE TWO BOARD REPRESENTA-  
16      TIVES TO THE MENDOCINO SOLID WASTE MANAGEMENT  
17      AUTHORITY. AND THIS WAS BEGUN IN 1990, AND I'VE  
18      BECOME A VERY STRONG SUPPORTER OF THE REGIONALI-  
19      ZATION EFFORT THAT WE DEVELOPED AT THAT AGENCY.

20                          I REALLY FEEL TODAY, AND I HOPE  
21      THAT

22                          YOU WILL FEEL IT TOO AS YOU HEAR THIS  
23      TESTIMONY,

24                          WE ARE AT A WATERSHED POINT FOR MENDOCINO  
25      COUNTY

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23                   AND ITS FUTURE IN HANDLING SOLID WASTE. IF YOU  
24                   TAKE NEGATIVE ACTION TODAY, I THINK IT WILL  
DERAIL  
25                   YEAR-LONG EFFORTS TO UNIFY THE COUNTY'S WASTE

1           STREAM AND FRAGMENTATION WILL OCCUR AGAIN.   AND  
2           THIS IS SOMETHING THAT WE HAVE WORKED AGAINST.  
3           WE'VE TRIED TO UNIFY.   AS MR. KENNEDY SO APTLY  
4           TOLD YOU, WE'VE TRIED TO UNIFY THE WASTE STREAM  
5           FOR MANY REASONS, INCLUDING ECONOMIC AND  
6           ENVIRONMENTAL REASONS.

7                         JUST A SHORT HISTORY OF THE GARBAGE  
8           WARS IN MENDOCINO COUNTY.   THAT'S WHAT THEY HAVE  
9           BEEN.   YOU KNOW, SIX YEARS AGO, FIVE YEARS AGO YOU  
10          PROBABLY WOULD HAVE SEEN PEOPLE HERE WITH PLACARDS  
11          AND IN COSTUME.   AND THIS GARBAGE BECAME A VERY  
12          CONTROVERSIAL, CONTENTIOUS ISSUE IN THIS COUNTY.

13                        WHEN MSWMA BEGAN, WE WERE CONSIDERED  
14          SORT OF SOMETHING LIKE A COMMUNIST PLOT OR SOME  
15          UNDERHANDED AGENCY.   IT'S TAKEN A LOT OF DEDICATED  
16          WORK BY THE THREE CITIES AND BY THE COUNTY TO  
17          DEVELOP TRUST IN EACH OTHER.   AT FIRST THERE WAS A  
18          LOT OF DISTRUST.   THERE WAS A LOT OF HOLDING THE  
19          CARDS REAL CLOSE TO THE CHEST, NOT RELATING, NOT  
20          SHARING, NOT COMMUNICATING WHAT OUR PLANS WERE FOR  
21          SOLID WASTE WITH EACH OF OUR ENTITIES.

22                        WE'VE GONE WAY BEYOND THAT.   AND I  
23          THINK WE DEVELOPED SOME EXCELLENT WORKING  
24          RELATIONSHIPS.   WHAT YOU HAVE IN YOUR HANDS HERE  
25          TODAY IS REALLY THE CONTINUATION OF THAT, THOSE

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1 RELATIONSHIPS AND THE CONTINUATION OF DEVELOPING A  
2 SENSIBLE REGIONAL PLAN FOR SOLID WASTE IN MENDO-  
3 CINO COUNTY.

4 SO I WON'T TAKE MORE OF YOUR TIME.  
5 I APPRECIATE YOU STAYING THROUGH THIS ISSUE. I  
6 KNOW THAT WHEN STOMACHS GET EMPTY, THEN SOMETIMES  
7 DECISIONS CAN CHANGE. SO I'M HOPING YOU WON'T GET  
8 TOO HUNGRY, BUT I HOPE YOU WILL VERY SERIOUSLY  
9 CONSIDER AND SUPPORT UKIAH'S PERMIT APPLICATION.  
10 AND THANK YOU VERY MUCH AGAIN FOR ALL OF YOUR  
11 SUPPORT IN MENDOCINO COUNTY.

12 CHAIRMAN PENNINGTON: THAK YOU, MS.  
13 HENRY.

14 BOARD MEMBER GOTCH: MR. CHAIR.

15 CHAIRMAN PENNINGTON: YES.

16 BOARD MEMBER GOTCH: BEFORE WE GO TO THE  
17 NEXT SPEAKER, THERE'S ANOTHER LETTER THAT I  
18 DISCOVERED THAT I BELIEVE THE OTHER MEMBERS HAVE  
19 RECEIVED THAT NEED EX PARTE, AND THAT'S FROM DAVID  
20 AND ELAINE MORRIS, RESIDENTS OF VICHY SPRINGS  
21 SUBDIVISION, IN SUPPORT OF THE PERMIT FOR THE  
22 UKIAH LANDFILL.

23 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

24 I HAVEN'T SEEN IT.

25 OKAY. NEXT WE HAVE JIM SALYERS,

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1           SALYARD.

2                       MR. SALYERS:   SALYERS.   JIM SALYERS,  
3           PRESIDENT OF SOLID WASTE SYSTEMS OF UKIAH.   AND  
4           BEING THE HAULER, I DON'T HAVE ANY TECHNICAL  
5           EXPERTISE TO OFFER, BUT I HAVE BEEN IN THE SOLID  
6           WASTE BUSINESS FOR 23 YEARS.   AND THROUGH THAT  
7           TIME, OBVIOUSLY, THERE'S BEEN A GREAT DEAL OF  
8           CHANGES IN THE WAY GARBAGE IS HANDLED AND  
9           RECYCLING OBVIOUSLY.   AND THE PRESENT SITUATION IN  
10          MENDOCINO COUNTY WITH A PLAN TO CONSOLIDATE THE  
11          WASTE STREAM, TO CLOSE DOWN WILLETS WHEN IT'S  
12          FULL, AND THEN DIVERT THAT WASTE TO UKIAH IS A  
13          COMMON SENSE APPROACH TO SOLID WASTE.

14                      AND YOU'RE FAMILIAR WITH SOLID WASTE  
15          ENOUGH TO KNOW THAT THERE HASN'T BEEN A LOT OF  
16          COMMON SENSE APPROACHES TO SOLID WASTE IN THE MOST  
17          RECENT PAST, YOU KNOW, IN REGARDS TO CLOSING OF  
18          LANDFILLS AND THE OPENING OF NEW LANDFILLS.   AND  
19          I'D JUST LIKE TO SUPPORT THE PERMIT REVISION IN  
20          RESPECT TO THE DIRECTION IT'S GOING NOW.

21                      I'VE SEEN A LOT OF LANDFILLS IN THE  
22          STATE OF CALIFORNIA.   I OPERATE GARBAGE COMPANIES  
23          IN EIGHT OTHER COUNTIES.   AND LIKE RICK KENNEDY  
24          SAID, THIS LANDFILL IS NOT PERFECT.   THEY HAVE HAD  
25          SOME PROBLEMS.   BUT IN MY EXPERIENCE WITH SEEING

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1 THE LANDFILLS THAT I'VE SEEN BEING RUN BY BOTH  
2 PRIVATE OPERATORS AND COUNTY OPERATORS, THIS IS A  
3 GOOD LANDFILL. IT'S WELL RUN. THEY TAKE CARE OF  
4 IT. AND LIKE HE SAID, THEY ARE TRYING TO CORRECT  
5 THE PROBLEMS WITH THE LANDFILL. SO I WOULD JUST,  
6 AS A PRIVATE OPERATOR, LIKE TO OFFER MY SUPPORT TO  
7 THIS PERMIT REVISION.

8 CHAIRMAN PENNINGTON: THANK YOU, MR.  
9 SALYERS.

10 THERE IS AN AUTOMOBILE THAT'S PARKED  
11 IN A POLICE PARKING SPACE THAT'S ABOUT TO BE  
12 TOWED. IT'S A GENERAL SERVICE CAR, A '92 FORD  
13 FOUR-DOOR, LICENSE PLATE 892547. IF IT'S YOURS,  
14 YOU BETTER GO GET IT BECAUSE THEY'RE GOING TO TAKE  
15 IT AWAY. OKAY. MOVING ALONG TO MR. PAUL CAYLER.

16 MR. CAYLER: MR. CHAIRMAN, BOARD MEMBERS,  
17 MY NAME IS PAUL CAYLER. I'M THE DIRECTOR OF THE  
18 MENDOCINO COUNTY SOLID WASTE DIVISION. I'LL MAKE  
19 MY COMMENTS BRIEF.

20 ECHOING WHAT CHAIRMAN HENRY HAD  
21 SAID, YOU KNOW, THE HISTORY OF SOLID WASTE FOR  
22 MANY YEARS WAS IN THE OCEAN -- IN THE COASTAL  
23 REGIONS WAS TO DUMP IT OVER THE BLUFF DURING LOW  
24 TIDE. AND WHEN THE HIGH TIDE IN, THE GARBAGE  
25 WOULD BE WASHED OUT TO SEA. THEN WE CHANGED TO A

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1           SYSTEM OF OPEN BURN DUMPS, AND EACH SUPERVISOR HAD  
2           A BURN DUMP IN THEIR OWN DISTRICT. AND WE'VE  
3           MOVED TO A SYSTEM OF MANY SMALL SANITARY LAND-  
4           FILLS, AND THE SYSTEM CONTINUED TO BE FRACTION-  
5           ALIZED.

6                       AS YOU ARE FAMILIAR NOW WITH THE  
7           HIGHER STANDARDS THAT WE HAVE IN SUBTITLE D, IT  
8           DOESN'T PAY TO BE FRACTIONALIZED. AS MR. KENNEDY  
9           SAID, VOLUME IS WHERE YOU GET YOUR BEST ECONOMIES  
10          AND YOUR BEST OPERATING FACILITIES.

11                      WHAT WE'RE TRYING TO DO IS HERE IS  
12          TAKE A CHANCE, TAKE OUR CHANCE IN HISTORY TO UNIFY  
13          MENDOCINO COUNTY'S WASTE STREAM, AND THE IMPORTANT  
14          FACILITY FOR DOING THAT IS THE CAPACITY THAT  
15          REMAINS AT THE UKIAH LANDFILL. AND IF THAT  
16          UNIFICATION DOESN'T TAKE PLACE THROUGH THAT  
17          LANDFILL, IT'S GOING TO BE A LITTLE BIT LIKE  
18          HUMPTY-DUMPTY. HUMPTY-DUMPTY WILL FALL OFF THE  
19          WALL, AND THE WASTE STREAM IN THE COUNTY WILL  
20          CONTINUE TO BE FRACTIONALIZED. AND I DON'T  
21          BELIEVE IN OUR LIFETIME WE'LL PROBABLY BE ABLE  
22          TO  
23          EVER PUT IT BACK TOGETHER IN A UNIFIED FACILITY  
24          AT  
25          THAT POINT. THANK YOU VERY MUCH.

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24                                   CHAIRMAN PENNINGTON:   THANK YOU.   NEXT  
WE  
25                   HAVE MICHAEL SWEENEY.



1                   MR. SWEENEY: I'M MIKE SWEENEY OF THE  
2                   MENDOCINO SOLID WASTE MANAGEMENT AUTHORITY. I'D  
3                   LIKE TO READ TO YOU VERY BRIEF RESOLUTION OF THE  
4                   BOARD OF DIRECTORS OF THE MENDOCINO SOLID WASTE  
5                   MANAGEMENT AUTHORITY, SUPPORTING THE REPERMITTING  
6                   OF THE UKIAH LANDFILL.

7                   WHEREAS, THE MENDOCINO SOLID WASTE  
8                   MANAGEMENT AUTHORITY IS A JOINT POWERS AGENCY  
9                   FORMED BY THE COUNTY OF MENDOCINO, CITY OF UKIAH,  
10                  CITY OF FORT BRAGG, AND THE CITY OF WILLETS; AND

11                  WHEREAS, THE WILLETS LANDFILL WILL  
12                  CLOSE IN MID-1997, ELIMINATING THE CURRENT  
13                  DISPOSAL SITE FOR APPROXIMATELY 40 PERCENT OF THE  
14                  WASTE STREAM OF MENDOCINO COUNTY; AND

15                  WHEREAS, THE CITY OF UKIAH DESIRES  
16                  TO FILL UP THE REMAINING CAPACITY OF THE UKIAH  
17                  LANDFILL AT THE EARLIEST POSSIBLE DATE BY  
18                  RECEIVING A LARGER WASTE STREAM SO THAT THE UKIAH  
19                  LANDFILL CAN BE PERMANENTLY CLOSED; AND

20                  WHEREAS, THE CITY OF UKIAH HAS  
21                  WORKED DILIGENTLY FOR THE PAST SIX YEARS TO COMPLY  
22                  WITH EVERY REGULATORY REQUIREMENT OF THE NORTH  
23                  COAST WATER QUALITY CONTROL BOARD AND THE  
24                  CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD AT  
25                  GREAT EXPENSE TO THE CITY AND THE LANDFILL USERS;

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1           AND

2                       WHEREAS, THE CITY OF UKIAH HAS  
3           APPLIED FOR A REVISED PERMIT FOR THE UKIAH  
4           LANDFILL WHICH WOULD ALLOW THE LANDFILL TO RECEIVE  
5           THE ENTIRE MENDOCINO COUNTY WASTE STREAM UPON  
6           CLOSURE OF THE WILLETS LANDFILL AND THE CITY HAS  
7           PREPARED AND CERTIFIED AN ENVIRONMENTAL IMPACT  
8           REPORT AND A SUPPLEMENTARY ENVIRONMENTAL IMPACT  
9           REPORT ON THAT PERMIT APPLICATION; AND

10                    WHEREAS, ENVIRONMENTAL PROTECTION OF  
11           THE LANDFILL SITE AND THE SURROUNDING AREAS WILL  
12           BE BEST SERVED BY ALLOWING THE CITY OF UKIAH TO  
13           FILL UP AND CLOSE THE LANDFILL AT THE EARLIEST  
14           POSSIBLE DATE; AND

15                    WHEREAS, ANY FURTHER DELAY IN  
16           APPROVING THE REVISED PERMIT WILL BE DESTRUCTIVE  
17           OF SENSIBLE UNIFIED PLANNING FOR SOLID WASTE  
18           DISPOSAL FOR MENDOCINO COUNTY AS HAS BEEN PURSUED  
19           BY THE MENDOCINO SOLID WASTE MANAGEMENT AUTHORITY  
20           IN THAT IT WILL FORCE MAKESHIFT, UNECONOMICAL  
21           DISPOSAL METHODS ON SOME JURISDICTIONS AND  
22           UNDERMINE THE AUTHORITY'S EFFORTS TO DEVELOP A  
23           COUNTYWIDE TRANSFER STATION FOR WASTE EXPORT,

24                    SO THEREFORE BE IT RESOLVED THAT  
THE  
25           BOARD OF DIRECTORS OF THE MENDOCINO SOLID WASTE

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1 MANAGEMENT AUTHORITY URGES THE CALIFORNIA  
2 INTEGRATED WASTE MANAGEMENT BOARD TO APPROVE THE  
3 REVISED PERMIT FOR THE UKIAH LANDFILL WITHOUT  
4 FURTHER DELAY.

5 APPROVED ON FOUR ZERO VOTE ON JULY  
6 17, 1996. I WILL ADD ONLY THAT I HOPE YOU WILL  
7 KEEP IN MIND THAT THIS LANDFILL HAS BEEN THERE  
FOR

8 40 YEARS. WE WANT TO FILL IT UP AND CLOSE IT  
DOWN

9 AS SOON AS POSSIBLE, GET A FINAL CAP ON IT, FULLY  
10 FUND ALL REMEDIATION AND CLOSURE, AND THEN WE  
WANT

11 TO MOVE INTELLIGENTLY TO MEET OUR FUTURE NEEDS AT  
12 THE LOWEST POSSIBLE COST. PLEASE HELP US DO IT.  
13 THANK YOU.

14 CHAIRMAN PENNINGTON: THANK YOU, MR.  
15 SWEENEY. NEXT WE HAVE JERRY WARD.

16 MR. SWEENEY: I HAVE COPIES OF THE  
17 RESOLUTION I'LL GIVE YOUR SECRETARY.

18 CHAIRMAN PENNINGTON: THANK YOU. NEXT  
WE  
19 HAVE JERRY WARD.

20 MR. WARD: THANK YOU, MR. CHAIRMAN,  
BOARD

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21 MEMBERS. MY NAME IS JERRY WARD. I AM PRESIDENT  
22 CEO OF SOLID WASTE IN WILLETS, A REFUSE HAULER  
FOR  
23 THE CITY OF WILLETS AND THE ENTIRE NORTH SECTION  
24 OF OUR COUNTY.  
25 I HAVE BEEN A REFUSE HAULER IN

1 MENDOCINO COUNTY FOR OVER 26 YEARS. PRESENTLY I  
2 HAUL ALL NONRECYCLABLE SOLID WASTE TO THE WILLETS  
3 LANDFILL. AND WE PAY ONE OF THE HIGHEST LANDFILL  
4 FEES IN THE STATE OF CALIFORNIA PRESENTLY.

5 THE WILLETS LANDFILL WILL CLOSE  
6 APPROXIMATELY MAY 1ST OF NEXT YEAR, WHICH IS ONLY  
7 NINE MONTHS AWAY. AS MATTERS STAND TODAY, I WILL  
8 HAVE NO PLACE TO TAKE OUR REFUSE AFTER MAY 1ST OF  
9 NEXT YEAR. I WOULD LIKE TO BE ABLE TO HAUL IT TO  
10 UKIAH LANDFILL IF THAT IS THE MOST ECONOMICAL  
11 CHOICE FOR OUR CUSTOMERS, AS I BELIEVE IT WILL,  
12 BUT I CAN'T DO THAT UNLESS YOU APPROVE THE NEW  
13 PERMIT FOR THE UKIAH LANDFILL WITH THE INCREASED  
14 TONNAGE LIMIT.

15 THAT IS WHY I SUPPORT THE NEW  
16 PERMIT. IT PROMISES TO PROVIDE A NECESSARY AND  
17 SENSIBLE OPTION FOR OUR WASTE STREAM. THE UKIAH  
18 LANDFILL WILL BE A SHORT-TERM OPTION ONLY SINCE  
19 THE INCREASED WASTE STREAM WOULD MEAN THAT THE  
20 CLOSURE DATE OF THE UKIAH LANDFILL WOULD BE  
21 ACCELERATED AND THE UKIAH LANDFILL WILL CLOSE BY  
22 THE YEAR 1998.

23 FOLLOWING THE CLOSURE OF THE UKIAH  
24 LANDFILL, I LOOK FORWARD TO A REASONABLE PRICED  
25 TRANSFER STATION BEING AVAILABLE ON THE NORTH SIDE

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1           OF UKIAH THAT WAS PRESENTLY PURCHASED BY OUR SOLID  
2           WASTE JOINT POWERS AUTHORITY. MY EXPERIENCE IN  
3           THE SOLID WASTE INDUSTRY TELLS ME THAT BY  
4           DIRECTING ALL OUR WASTE TO A SINGLE WASTE  
5           FACILITY, WE WILL MINIMIZE OPERATING COSTS,  
6           TRANSPORTATION COSTS, AND DISPOSAL COSTS IN THE  
7           FUTURE.

8                           THAT'S WHY I WANT TO OFFER OUR  
9           CUSTOMERS RELIABLE SERVICE AT THE LOWEST COST.  
10          THAT'S WHAT WILLETS NEEDS. THAT'S WHAT UKIAH  
11          NEEDS, AND THAT IS WHAT THE COUNTY OF MENDOCINO  
12          NEEDS. THEREFORE, PLEASE SUPPORT OUR OPTIONS FOR  
13          FUTURE SOLID WASTE DISPOSAL, AND PLEASE SUPPORT  
14          THE REVISED PERMIT APPLICATION BEFORE YOU FOR THE  
15          UKIAH LANDFILL. THANK YOU.

16                       CHAIRMAN PENNINGTON: NEXT IS ERIC  
17          SUNSWHEAT.

18                       MR. SUNSWHEAT: I'M GOING TO SPEAK IN  
19          OPPOSITION.

20                       CHAIRMAN PENNINGTON: IT SAYS SUPPORT  
21          HERE.

22                       MR. SUNSWHEAT: I KNOW. SUPPORT OF THE  
23          PERMIT, OPPOSITION TO THE --

24                       CHAIRMAN PENNINGTON: DARRELL DELANEY.  
25          MR. GALLI: GOOD MORNING. I SAY THAT

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1 BECAUSE WE HAVEN'T HAD LUNCH YET.

2 CHAIRMAN PENNINGTON: WE'RE GOING TO GET  
3 THERE THOUGH.

4 MR. GALLI: MY NAME IS DARRELL GALLI.  
5 I'M A MEMBER OF THE FORT BRAGG CITY COUNCIL. I'M  
6 ALSO CHAIRMAN OF THE AB 939 LOCAL TASK FORCE FOR  
7 SOLID WASTE IN MENDOCINO COUNTY.

8 THE REPERMITTING OF THE UKIAH  
9 LANDFILL IS AN INTEGRAL PART OF THE SITING ELEMENT  
10 FOR MENDOCINO COUNTY. WHEN WE MET THE OTHER DAY,  
11 AND WE HAVE THE FOLLOWING BRIEF COMMENTS FROM THE  
12 LOCAL TASK FORCE ON THE SUBJECT.

13 THE LOCAL TASK FORCE HAS REVIEWED  
14 THE PRELIMINARY DRAFT OF THE SITING ELEMENT FOR  
15 MENDOCINO COUNTY AND HAS THE FOLLOWING COMMENTS.  
16 WE CONCUR WITH THE POLICY OF THE SITING ELEMENT,  
17 THAT THE REMAINING LANDFILL CAPACITY SHOULD BE  
18 USED UP FOLLOWED BY AN ORDERLY CHANGEOVER TO WASTE  
19 EXPORT.

20 SINCE MENDOCINO COUNTY IS DISTANT  
21 FROM POTENTIAL EXPORT DESTINATIONS, IT IS  
22 ESSENTIAL THAT WASTE EXPORT BE WELL PLANNED IN  
23 ORDER TO MINIMIZE COSTS. ECONOMIES OF SCALE CAN  
24 BE REALIZED IF OUR ENTIRE WASTE STREAM IS  
25 AVAILABLE AS A UNIT TO NEGOTIATE FOR THE LOWEST

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1           TRANSPORTATION COSTS, THE LOWEST TIPPING FEES, AND  
2           MOST SECURE AND ENVIRONMENTALLY SOUND LANDFILL  
3           DESTINATION.

4 REALIZING THESE OBJECTIVES REQUIRES  
5 THAT, ONE, UKIAH LANDFILL BE AVAILABLE AS AN  
6 INTERIM DISPOSAL SITE FOR THE ENTIRE MENDOCINO  
7 COUNTY WASTE STREAM FOLLOWING THE CLOSURE OF  
8 WILLETS LANDFILL MID-1997.

9 NO. 2, THAT WASTE EXPORT BEGIN  
10 FOLLOWING THE CLOSURE OF THE UKIAH LANDFILL.

NO. 3, A TRANSFER STATION BE  
DEVELOPED AT THE MSWMA SITE ON NORTH STATE STREET,  
UKIAH, FOLLOWING A VIGOROUS, COMPETITIVE PROPOSAL  
PROCESS TO DETERMINE THE MOST QUALIFIED PRIVATE  
INDUSTRY CONTRACTOR. THIS WILL ALLOW FUTURE  
EXPORTS BY EITHER TRUCK OR RAIL. WITH RAIL EXPORT  
HAVING A COINCIDENTAL BENEFIT SUPPORTING THE RAIL  
LINE BETWEEN SHELLVILLE AND EUREKA.

THESE COMMENTS WERE ADOPTED BY THE  
LTF, LOCAL TASK FORCE, BY A VOTE OF EIGHT TO ZERO  
ON JULY 25, 1996. THE LOCAL TASK FORCE ALSO  
DIRECTED ME TO INFORM YOU OF ITS UNANIMOUS SUPPORT  
OF THE REVISED PERMIT FOR THE UKIAH LANDFILL.

24                      THANK YOU.

25 CHAIRMAN PENNINGTON: THANK YOU. DAVE

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1 EVANS.

2 MR. EVANS: HI. I'M DAVID EVANS. I'M AN  
3 ENGINEER WITH THE REGIONAL WATER QUALITY CONTROL  
4 BOARD, AND I'VE BEEN WORKING WITH THE CITY OF  
5 UKIAH ON THEIR LANDFILL FOR ABOUT THE PAST FIVE OR  
6 SO YEARS.

7 I'M HERE TODAY IN RESPONSE TO A  
8 REQUEST FROM YOUR STAFF TO TALK ABOUT SOME OF THE  
9 WATER QUALITY ISSUES THAT I BELIEVE CAME UP IN THE  
10 COMMITTEE HEARING. AND THOSE PERTAIN TO GROUND-  
11 WATER CONTAMINATION AND SOME SURFACE WATER DIS-  
12 CHARGE DURING STORM EVENTS.

13 YOUR STAFF REPORT CORRECTLY POINTS  
14 OUT THAT THERE ARE TWO WATER QUALITY PROBLEMS AT  
15 THE UKIAH LANDFILL. ONE OF THEM IS LOCATED DOWN  
16 ALONG THE TOE, AND THE OTHER ONE IS LOCATED TO THE  
17 EAST OF THE LANDFILL, AND THEY APPEAR TO BE  
18 SEPARATE AND DISTINCT.

19 THE ONE AT THE TOE HAS ALL THE  
20 VOLATILE ORGANIC COMPOUNDS THAT WE'VE COME TO  
21 EXPECT TO FIND IN LEACHATE AND THE GROUNDWATER  
22 CONTAMINATION ASSOCIATED WITH MUNICIPAL REFUSE  
23 SITES. THE CONTAMINATION TO THE EAST OF THE  
24 LANDFILL SEEMS TO BE PRIMARILY FUEL

CONSTITUENTS,

25 BENZENE, TOLUENE, ETHYLBENZENE, XYLENE, WHICH

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WE



1 CALL B-TECHS.

2 THE INVESTIGATION EAST OF THE  
3 LANDFILL IS STILL ONGOING. IT'S SOMEWHAT OF A  
4 DIFFICULT GEOLOGIC REGIME TO UNDERSTAND AND A  
5 HYDROGEOLOGIC REGIME, BUT THE CITY IS WORKING ON  
6 IT UNDER WASTE DISCHARGE REQUIREMENTS FROM THE  
7 REGIONAL BOARD.

8 THE CONTAMINATION AT THE TOE OF THE  
9 LANDFILL IS PRETTY WELL DEFINED. IF YOU VISITED  
10 THE LANDFILL YESTERDAY, THERE'S A ROAD THAT GOES  
11 ALONG THE BOTTOM OF THE LANDFILL WITH THE CREEK ON  
12 ONE SIDE AND THE LANDFILL ON THE OTHER. AND YOU  
13 PROBABLY SAW THAT THERE ARE A SERIES OF MONITORING  
14 WELLS AS YOU GO DOWN THAT ROAD. THE ONE'S THAT  
15 ARE IMMEDIATELY ADJACENT TO THE LANDFILL OR  
16 IMMEDIATELY ADJACENT TO THE ROAD AT THE LOWER END  
17 OF THE LANDFILL ARE CONTAMINATED WITH ABOUT HALF A  
18 DOZEN VOLATILE ORGANIC COMPOUNDS. THINGS LIKE  
19 VINYL CHLORIDE, METHYLENE CHLORIDE, FREON, TCE'S,  
20 STUFF LIKE THAT.

21 ACROSS THE CREEK THEY HAVE ALSO  
22 INSTALLED SOME WELLS AT THE DIRECTION OF THE  
23 REGIONAL BOARD, AND THOSE ARE ALL CLEAN. DOWN  
24 BELOW THE LANDFILL WHERE TWO FORKS OF THE CREEK  
25 COME TOGETHER, WE ALSO HAVE WELLS THAT ARE CLEAN.

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1                   WHEN YOU'RE LOOKING FOR GROUNDWATER  
2                   CONTAMINATION, YOU WANT TO KNOW WHAT THE EXTENT OF  
3                   IT IS, SO YOU GO IN THE DIRECTION OF GROUNDWATER  
4                   MOVEMENT, STARTING FROM THE SOURCE UNTIL YOU GET  
5                   INTO CLEAN WATER, AND PRESUMABLY THE EDGE OF THE  
6                   PLUME LIES BETWEEN THE CLEAN WELL AND THE LAST  
7                   CONTAMINATED WELL.

8                   WE BELIEVE THAT THE CONTAMINATION AT  
9                   THE UKIAH LANDFILL HAS NOT GONE MORE THAN ABOUT A  
10                  100 FEET FROM THE TOE OF THE LANDFILL IN ANY  
11                  DIRECTION. IN MOST CASES IT'S GONE EVEN LESS THAN  
12                  THAT.

13                  THIS IS IMPORTANT BECAUSE WHAT THE  
14                  CITY IS PROPOSING, AS FAR AS A CORRECTIVE ACTION  
15                  PLAN, WHICH HAS BEEN SUBMITTED TO OUR BOARD IN  
16                  ACCORDANCE WITH TIME SCHEDULES CONTAINED IN OUR  
17                  WASTE DISCHARGE REQUIREMENTS, THEY'RE PROPOSING  
18                  WHAT THEY CALL A CONTAINMENT ZONE. AND A CON-  
19                  TAINMENT ZONE IS AN APPROACH THAT'S BEING  
20                  EVALUATED RIGHT NOW BY THE STATE WATER RESOURCES  
21                  CONTROL BOARD WHERE IF YOU CAN MEET CERTAIN  
22                  CONDITIONS, IN OTHER WORDS, YOU CAN SHOW THAT A  
23                  GROUNDWATER PLUME IS NOT EXPANDING, THAT IT'S NOT  
24                  INCREASING SUBSTANTIALLY IN CONCENTRATION OR  
25                  NUMBER OF CONSTITUENTS, AND THAT IT IS WELL

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1 MONITORED SO THAT YOU KNOW WHAT'S GOING ON AND  
YOU  
2 CAN CONFIRM THAT IT'S NOT MOVING AT ALL, THEN IT  
3 IS APPROPRIATE TO LET TIME AND NATURE TAKE ITS  
4 COURSE RATHER THAN JUMPING INTO A VERY EXPENSIVE  
5 ACTIVE TREATMENT SYSTEM.

6 THAT POLICY IS GOING THROUGH THE  
7 HEARING PROCESS AT THE STATE BOARD. IT'S CALLED  
8 RESOLUTION 9249, AND IT'S GOING TO BE AMENDED TO  
9 ADD ANOTHER SECTION H, WHICH WILL PROVIDE FOR THE  
10 CONTAINMENT ZONE KIND OF AN APPROACH IF IT'S  
11 ADOPTED. THEY HAD THE FINAL WORKSHOP HEARING ON  
12 THE 3D OF JULY OF THIS YEAR, AND THEY'RE GOING TO  
13 HAVE THEIR ADOPTION HEARING ON THE 15TH OF  
AUGUST,  
14 WHICH IS NEXT MONTH.

15 IF THE STATE BOARD APPROVES THE  
16 POLICY, THEN IT WOULD BE MY RECOMMENDATION TO THE  
17 REGIONAL BOARD THAT WE REVISE THE WASTE DISCHARGE  
18 REQUIREMENTS TO ALLOW THE CONTAINMENT ZONE  
19 APPROACH TO BE FOLLOWED AT THIS SITE BECAUSE I  
20 THINK THIS IS EXACTLY THE KIND OF A SITUATION  
THAT  
21 THIS POLICY IS INTENDED TO TAKE CARE OF. THAT  
22 SHOULD PRETTY WELL RESOLVE THE GROUNDWATER

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23 PROBLEMS AT THE LANDFILL.

24 IT WAS MENTIONED THAT THIS LANDFILL

25 IS OVER 40 YEARS OLD, AND WHATEVER IS GOING TO

1           LEAK IS PROBABLY IN PROGRESS. I WOULD THINK THAT  
2           WHEN THEY CLOSE THE LANDFILL, STOP ADDING THE NEW  
3           WASTE, AND PUT THE CAP ON IT, THAT IT'S GOING TO  
4           MITIGATE THE CONTAMINATION OF THE GROUNDWATER.

5                       SOME OF THE OTHER AREAS OF CONCERN  
6           FROM A WATER QUALITY STANDPOINT AT THIS LANDFILL  
7           AND AT ALL LANDFILLS ARE OPERATIONS, AND THAT  
8           INCLUDES ACTIVE FACE MANAGEMENT OF LITTER CONTROL,  
9           COVER, MAINTENANCE OF DRAINAGE FACILITIES OR  
10          ROADS, MANAGEMENT OF LEACHATE. I WOULD SAY ON ALL  
11          CATEGORIES THE OPERATIONS AT THE UKIAH LANDFILL  
12          ARE GENERALLY GOOD.

13                      THERE HAVE BEEN INCIDENTS WHERE  
14          THERE HAVE BEEN PROBLEMS. THE CITY HAS ALWAYS  
15          RESPONDED TO THEM TO THE SATISFACTION OF REGIONAL  
16          BOARD STAFF. NO LANDFILL OPERATION IS PERFECT;  
17          AND IF I WAS TO RATE THE UKIAH LANDFILL, I WOULD  
18          GIVE IT HIGH MARKS.

19                      NO ENFORCEMENT ACTION HAS BEEN TAKEN  
20          BY THE REGIONAL BOARD AT THE UKIAH LANDFILL, NOR  
21          HAS THE REGIONAL BOARD BEEN PETITIONED TO TAKE  
22          ENFORCEMENT ACTIONS IN THE FIVE YEARS THAT  
23          I 'VE  
24          BEEN INSPECTING THIS LANDFILL.

25                      REGARDING THE SURFACE WATER  
DISCHARGES, WE REGULATE THESE UNDER A

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STATEWIDE



1           GENERAL PERMIT THAT'S CALLED OUR STORM WATER  
2           PERMIT.   THE CITY HAS APPLIED FOR AND IS NOW  
3           INCLUDED ON THE STATEWIDE PERMIT, AND THEY HAVE  
4           ENLARGED ALL THEIR SEDIMENTATION BASINS BASICALLY  
5           TO MAKE THEM AS LARGE AS POSSIBLE TO IMPROVE THE  
6           SEDIMENT REMOVAL BEFORE STORM WATER IS DISCHARGED  
7           TO THE LOCAL STREAMS.   AND, IN FACT, AT THE UKIAH  
8           LANDFILL THEY'VE ACTUALLY INSTALLED CLOTH FILTERS  
9           ON THE EFFLUENT LINES OR THE DISCHARGE LINES FROM  
10          THOSE SEDIMENTATION PONDS, WHICH, TO MY KNOWLEDGE,  
11          IS UNIQUE IN THE STATE.   I DON'T KNOW ANY OTHER  
12          LANDFILL THAT HAS GONE THAT FAR.

13                       THERE WAS AN INCIDENT WHICH OCCURRED  
14          IN THE SPRING OF 1995, WHICH YOU MAY HAVE HEARD  
15          ABOUT, WHEN THE POND IN THE BARROW PIT BECAME SO  
16          LARGE THAT THEY COULD NOT OPERATE EQUIPMENT TO GET  
17          THEIR COVER MATERIAL, AND SO THEY PUMPED FROM THE  
18          BARROW PIT POND INTO THE SEDIMENTATION POND TO RUN  
19          THE WATER THROUGH THE FILTERS AND THEN INTO THE  
20          CREEK.

21                       THIS WAS CONSIDERED A VIOLATION OF  
22          THE STORM WATER PERMIT BECAUSE IT OCCURRED ON DAYS  
23          BETWEEN STORMS WHEN THE CREEKS WERE BASICALLY  
24          RUNNING CLEAR.   THE STORM WATER PROGRAM SAYS THAT  
25          SITE RUNOFF DURING RAINSTORMS CAN BE DISCHARGED TO

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1 THE LOCAL SURFACE WATERS, BUT YOU CAN'T PUMP FROM  
2 A POND AND DISPLACE WATERS INTO THE CREEK. AND SO  
3 WE WROTE THEM UP A NOTICE OF VIOLATION ON THAT.

4 IN RESPONSE, THE CITY HAS CON-  
5 STRUCTED A SYSTEM FOR PUMPING THE MUDDY WATER FROM  
6 THE SEDIMENTATION PONDS ONTO THE GRASSY SLOPES  
7 ADJACENT TO THE LANDFILL, AND THAT ELIMINATES THE  
8 DISCHARGES TO THE STREAMS. SO IT WAS A PROBLEM,  
9 IT WAS ACKNOWLEDGED AS A VIOLATION, AND IT WAS  
10 CORRECTED. AS FAR AS OUR STAFF IS CONCERNED, IT'S  
11 A DONE DEAL.

12 LAST ITEM IS LEACHATE MANAGEMENT.  
13 THE CITY HAS OPERATED LEACHATE HOLDING PONDS FOR  
14 YEARS. THE ACTIVE FACE RUNOFF AND ALL THE SURFACE  
15 SEEPS ARE COLLECTED AND PIPED TO THESE PONDS THAT  
16 ARE LOCATED AT THE TOE OF THE LANDFILL. THEY ARE  
17 DISTINCT AND SEPARATE FROM THE SEDIMENTATION  
18 PONDS. THEY ARE NOT ALLOWED TO DISCHARGE TO  
19 SURFACE WATERS. THESE PONDS ARE PUMPED AS  
NEEDED

20 IN THE WINTERTIME TO PREVENT OVERFLOWS AND  
21 DISCHARGES TO SURFACE WATERS, WHICH WOULD BE A  
22 VIOLATION OF THE WASTE DISCHARGE REQUIREMENTS.  
23 THEY ARE PUMPED INTO A TRUCK, AND THE LEACHATE  
IS

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24                   HAULED TO THE COLLECTION SYSTEM FOR THE UKIAH  
25                   SEWAGE TREATMENT PLANT.   AND THIS IS A VERY  
LARGE

1 TASK WHEN THE BIG STORMS COME THROUGH.

2 THE CITY'S RECENTLY PROPOSED TO  
3 RECEIVE APPROVAL FOR CONSTRUCTING A PUMPING  
4 STATION AND A FORCED MAIN PIPELINE TO CARRY THE  
5 LEACHATE FLOWS DIRECTLY FROM THE LANDFILL TO THE  
6 CITY'S SEWAGE TREATMENT PLANT, WHICH WILL  
7 ELIMINATE THE NEED FOR ALL THESE HAULER TRUCKS.  
8 MOST NORTH COAST LANDFILLS TRUCK LEACHATE TO THE  
9 LOCAL SEWAGE TREATMENT PLANTS. IT'S A STANDARD  
10 PRACTICE. I THINK UKIAH IS GOING TO BE THE FIRST,  
11 TO MY KNOWLEDGE, TO PROVIDE A DIRECT CONNECTION.

12 THIS PROJECT IS SCHEDULED FOR CON-  
13 STRUCTION LATER THIS YEAR AND SHOULD BE ON LINE  
14 AND OPERATIONAL FOR THE FORTHCOMING WINTER.

15 IN SUMMARY AND CONCLUSION, THE CITY  
16 OF UKIAH HAS A WASTE DISCHARGE PERMIT FOR THIS  
17 LANDFILL ADOPTED BY THE REGIONAL BOARD ON OCTOBER  
18 OF 1994; AND WITH THE EXCEPTION OF OCCASIONAL  
19 OPERATIONAL DIFFICULTIES, THE CITY MEETS THE TERMS  
20 AND CONDITIONS OF THAT PERMIT. THE LANDFILL HAS  
21 KNOWN GROUNDWATER PROBLEMS SIMILAR TO WHAT WE'VE  
22 SEEN AT QUITE A NUMBER OF OTHER LANDFILLS, AND THE  
23 CITY IS ACTIVELY WORKING TO RESOLVE THESE  
24 PROBLEMS. REGIONAL BOARD STAFF HAVE NO REASONS  
25 WHY THE SOLID WASTE FACILITIES PERMIT SHOULD NOT

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1 BE ISSUED BASED ON WATER QUALITY CONSIDERATIONS.  
2 AND I'D BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT  
3 HAVE.

4 BOARD MEMBER RELIS: MR. CHAIRMAN, ONE  
5 QUESTION. MR. EVANS, ON THE INFORMATION GIVEN TO  
6 ME BY THE CITY, MR. KENNEDY, THERE'S THE RECORD OF  
7 THE METHANE GAS IN THE SHORT PROBE C AREA.

8 MR. EVANS: SOUTH OF THE LANDFILL?

9 BOARD MEMBER RELIS: YEAH. WHAT'S YOUR  
10 FAMILIARITY? THERE'S AN INTERFACE THAT HAS BEEN  
11 RAISED AND A NUMBER OF ISSUES BETWEEN THE PRESENCE  
12 OF GAS AND THE CONTAMINATION OF WATER.

13 MR. EVANS: THERE'S A MONITORING WELL  
14 THAT'S ALSO ON THAT RIDGE ABOVE THERE, AND THE  
15 WATER IN IT IS DEEP WATER. IT'S A DIFFERENT  
16 AQUIFER THAN THE ONE ALONG THE CREEK ALONG THE TOE  
17 OF THE LANDFILL. THAT'S MONITORING WELL 90-7, AND  
18 IT'S ALWAYS SHOWED UP CLEAN.

19 I'M FAMILIAR WITH THE FACT THAT GAS  
20 MIGRATION IS A MECHANISM OF POLLUTANT TRANSPORT,  
21 SPECIFICALLY THESE VOLATILE ORGANIC COMPOUNDS.  
22 AND SO WHENEVER THERE'S A GAS PROBLEM, WE RAISE  
23 OUR CONCERNS THAT THERE MAY BE AN ENSUING WATER  
24 QUALITY PROBLEM. BUT SO FAR WE HAVEN'T FOUND IT  
25 IN THE AREA WHERE GAS PROBES ARE LOCATED.

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1                   BOARD MEMBER RELIS:   AND YOU ARE AWARE OF  
2                   HOW HIGH THOSE LEVELS ARE?

3                   MR. EVANS:   YEAH.   IN FACT, I WAS A  
4                   LITTLE SURPRISED, BUT THE GAS MANAGEMENT IS  
5                   BASICALLY AN ISSUE THAT UNTIL THE TITLE 27 REGS  
6                   TELL US OTHERWISE, WE PRETTY MUCH DEFER TO YOUR  
7                   STAFF ON THAT.

8                   BOARD MEMBER RELIS:   THANK YOU.

9                   CHAIRMAN PENNINGTON:   ANY OTHER  
QUESTIONS

10                  OF MR. EVANS?

11                  MR. EVANS:   THANK YOU.

12                  CHAIRMAN PENNINGTON:   I THINK WE HAVE  
13                  FIVE MORE PEOPLE LISTED TO SPEAK, AND IT'S  
THREE

14                  AND TWO, SO I THINK -- AND TWO LAWYERS, SO I  
THINK

15                  IT'S TIME FOR US TO TAKE A BREAK.   HOW LONG DO  
YOU

16                  THINK WE'LL BE?

17                  MR. CHANDLER:   IF YOU HAD BROUGHT IN  
18                  SANDWICHES, I THINK 45 MINUTES WOULD BE PLENTY  
OF  
19                  TIME.

20                  CHAIRMAN PENNINGTON:   WE'LL BE BACK

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HERE

21 AT 2:15.

22 (RECESS TAKEN.)

23 CHAIRMAN PENNINGTON: LADIES AND

24 GENTLEMEN, WE'RE BACK ON ITEM 13. I DON'T

THINK

25 ANY OF THE MEMBERS HAVE ANY EX PARTES.

1                   BOARD MEMBER FRAZEE:   LET ME JUST  
2                   INDICATE THAT I DID SPEAK WITH MAYOR LYON AND  
3                   DEPUTY CITY MANAGER WITSON AND CITY COUNCILMAN  
4                   TERRY JOHNSON FROM THE CITY OF OCEANSIDE.

5                   CHAIRMAN PENNINGTON:   OKAY.   OKAY.   WE'RE  
6                   BACK ON 13.   WE'RE STILL GOING THROUGH THE PUBLIC  
7                   WITNESSES HERE.   THE NEXT PERSON IS RAYMOND  
8                   RUMSKI.   RUMINSKI, RAYMOND.   I'LL HOLD IT TILL WE  
9                   GET THROUGH.   NEXT WILL BE DAVID RAPPORT.

10                  MR. RAPPORT:   MR. CHAIRMAN, I'M THE CITY  
11                  ATTORNEY FOR UKIAH.   WHAT I WOULD LIKE TO DO, IF  
12                  IT'S POSSIBLE, I MAY NOT HAVE TO SAY ANYTHING IF  
13                  IT WORKS OUT THAT WAY, AND I'D LIKE TO JUST  
14                  RESERVE MY COMMENTS UNTIL WE'VE HEARD ALL THE  
15                  TESTIMONY, SO THAT IF THERE'S ANYTHING THAT WE  
16                  NEED TO COVER OR CLARIFY.

17                  BOARD MEMBER CHESBRO:   WHO COMES FIRST,  
18                  YOU OR THE COUNCILMEMBER?

19                  MR. RAPPORT:   MY BOSS.

20                  CHAIRMAN PENNINGTON:   I WAS GOING TO SAY  
21                  YOU'RE GOING TO HAVE TO WORK IT OUT WITH RICHARD  
22                  SHOEMAKER.

23                                OKAY.   THEN LET'S GO TO SOME  
24                  OPPOSITION.   ERIC SUNSWHEAT.

25                  MR. SUNSWHEAT:   IN THE STAFF REPORT ON

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1           THIS AGENDA ITEM ON REGARDING THE PERMIT DECISION  
2           RESOLUTION ON PAGE 72, IT REFERS TO THE  
3           INFEASIBILITY OF THE PROJECT ALTERNATIVES, ON PAGE  
4           73, CONSISTENCY WITH BOARD STANDARDS, ENFORCEMENT  
5           WITH THE COUNTY SOLID WASTE MANAGEMENT PLAN. I  
6           QUESTION THE INTEGRITY OF MENDOCINO COUNTY IN  
7           PLANNING THIS.

8                         THERE'S AN ERROR ON PAGE 19, PUBLIC  
9           RESOURCE CODE 44009, WASTE DIVERSION REQUIREMENTS.  
10          THE COUNTY'S FINAL SOURCE REDUCTION AND RECYCLING  
11          ELEMENT, SRRE, DESCRIBES THE PROGRAMS WHICH THE  
12          COUNTY WILL USE TO ACHIEVE THE DIVERSION GOALS  
13          ESTABLISHED BY AB 939, SAYS THE COUNTY EXPECTS TO  
14          MEET A 1995 DIVERSION RATE OF 47 PERCENT. THIS  
15          HAS NOT OCCURRED.

16                        RICHARD SHOEMAKER, VICE MAYOR OF  
17          UKIAH, STATED TO THE BOARD EARLIER TODAY THAT ALL  
18          JURISDICTIONS IN MENDOCINO COUNTY HAVE ACHIEVED 25  
19          PERCENT, SOME 30 PERCENT. ALSO, ON JULY 17TH AT A  
20          PUBLIC MEETING OF THE MENDOCINO SOLID WASTE  
21          MANAGEMENT AUTHORITY OR AGENCY, MANAGER MIKE  
22          SWEENEY REPORTED THAT THE UNINCORPORATED AREA OF  
23          MENDOCINO COUNTY REACHED 30 PERCENT DIVERSION,  
24          FORT BRAGG 43 PERCENT, WILLETS 29 PERCENT, AND  
25          UKIAH THE LEAST AT 27 PERCENT.

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1                   IT'S GOOD THAT SYNTHETIC TARPS HAVE  
2                   BEEN APPROVED AS ADC.

3                   REGARDING THE CITY OF UKIAH EIR,  
4                   FEBRUARY 1ST, 1996, ON PAGE 24, IT STATES SONOMA  
5                   COUNTY WILL ACCEPT WASTE FROM MENDOCINO COUNTY AT  
6                   PRESENT. IT WILL NOT COMMIT TO LONG-TERM  
7                   ACCEPTANCE.

8                   ON PAGE 26, ALTERNATIVE -- IT STATES  
9                   ALTERNATIVES CANNOT BE MADE WITH THREE YEARS --  
10                  WITHIN THREE YEARS AND MENTIONS DEVELOPING OF A  
11                  COMPOST FACILITY. AND I ASK WHAT ABOUT A PILOT  
12                  PROJECT, A MULCHING FACILITY THAT'S PRETTY MUCH  
13                  UNREGULATED FOR REVENUE. OR THE COAL CREEK  
14                  COMPOST FACILITY THAT ACCEPTED AN RMDZ LOAN THAT  
15                  IS -- THAT APPARENTLY IS NOT DOING AN EIR FOR  
16                  GREEN WASTE COMPOSTING AND IS OPERATING ONLY  
17                  BECAUSE OF A COURT ORDER AND NOW IS TALKING ABOUT  
18                  PRODUCING SIDEWALK MULCH.

19                  ALSO, THE CITY OF UKIAH HAS SEWAGE  
20                  SLUDGE GENERATION, AND PRESENTLY THEY'RE JUST  
21                  DUMPING THAT INTO A PIT IN THE LAGOON FOR 50-YEAR  
22                  STORAGE.

23                  AND I QUESTION ON STAFF REPORT PAGE  
24                  27 THE SUBSTANTIAL HARDSHIPS ON THE CITY. IT  
25                  SEEMS TO ME SPECULATIVE INVESTMENTS IN THE PAST

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1           THAT WERE REPORTED IN THE PAPER BY THE CITY, LIKE  
2           THOSE MADE BY ORANGE COUNTY, COUNTY IN VIOLATION  
3           OF STATE LAW, HAS OCCURRED. AS FAR AS I KNOW, THE  
4           CITY STILL HAS MILLIONS OF DOLLARS. PERHAPS  
5           THEY'RE NOT IN THE CLOSURE FUND NOW.

6                       SO, ALSO, MSWMA, IN MY OPINION, IS  
7           DISRUPTING THE COUNTY'S SOLID WASTE MANAGEMENT BY  
8           NOT ADDRESSING PUBLIC COMMENTS THAT IN THE EIR  
9           PROCESS FOR THE SITING OF A TRANSFER FACILITY NOW  
10          IS SUBJECT TO LITIGATION, AND THAT LITIGATION WAS  
11          INITIATED PRIOR TO PURCHASE OF THE LAND.

12                      I ENCOURAGE THE BOARD TO CONSIDER  
13          ANY CLAIM OF FINANCIAL HARDSHIP BY THE CITY AND  
14          COUNTY AS SUSPECT. RICK KENNEDY, ENGINEER CITY OF  
15          UKIAH, SPOKE EARLIER, HAS SUBMITTED HIS RESIG-  
16          NATION EFFECTIVE IN A COUPLE WEEKS.

17                      LAKE COUNTY IS A SMALL COUNTY WITH  
18          LOW TIPPING FEES, YET A SUBTITLE D LINER IS  
19          PLANNED FOR FUTURE EXPANSION. I REALLY QUESTION  
20          THAT THERE'S A HIDDEN AGENDA FOR A FUTURE LANDFILL  
21          AT THE -- FUTURE LANDFILLING AT THE UKIAH DUMP.  
22          IN THE PAST THERE HAS BEEN AN OPTION TO ACTUALLY  
23          EXPAND THE UKIAH LANDFILL. AND THIS IS WHAT ONE  
24          WAY BY IF THE BOARD DOES APPROVE THIS RESOLUTION  
25          AND PERMIT WOULD CODIFY INCREASED WASTE VOLUME.

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1                   ALSO, OTHER ALTERNATIVES, WITH  
2                   CALTRANS CREATING MULCH IN THIS COUNTY, THERE'S  
3                   BEEN TREMENDOUS OPPOSITION AND LAST MONTH  
4                   CONTROVERSY REGARDING THE SPRAYING OF TOXIC  
5                   HERBICIDES ALONGSIDE THE ROADWAY. RECENT ISSUE OF  
6                   AG ALERT, OFFICIAL PUBLICATION OF THE CAL FARM  
7                   BUREAU, DESCRIBES THE USE OF MULCH TO SUPPRESS  
8                   WEEDS.

9                   THIS AFTERNOON AT 6:15 ON KZYY  
10                  PUBLIC RADIO, THE REGIONAL DIRECTOR OR MAIN HEAD  
11                  GUY FROM CALTRANS IN THIS DISTRICT 1 IS GOING TO  
12                  BE ON PUBLIC RADIO. SO IF YOU'RE GOING DOWN TO  
13                  REAL GOODS, AT 6:15 YOU MIGHT CONSIDER TUNING ON  
14                  TO 90.7 AND 91.5.

15                  ALSO, THIS THING ABOUT HIDDEN  
16                  AGENDA, I JUST FOUND OUT TODAY --

17                  CHAIRMAN PENNINGTON: STAY ON THE AGENDA  
18                  ITEM IF YOU WOULD, PLEASE.

19                  MR. SUNSWHEAT: OKAY. AND AS FAR AS THE  
20                  COUNTY HAVING A UNIFIED APPROACH, I JUST FOUND  
21                  OUT

22                  TODAY THAT PAUL HAGEN WAS PART OF THE ENVIRONMEN-  
23                  TAL TASK FORCE. AND I'VE SUBMITTED HUNDREDS  
PAGES

23                  OF INFORMATION AND CONCERNS TO THE LEA, AS WELL

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AS

24 THE MENDOCINO COUNTY PLANNING AND BUILDING  
25 DEPARTMENT, AND THEY NEVER INFORMED ME THAT THERE

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1 WAS AN ENVIRONMENTAL TASK FORCE.

2 THANK YOU VERY MUCH FOR ADDRESSING  
3 THE TALK.

4 CHAIRMAN PENNINGTON: THANK YOU. OKAY.  
5 MOVING ON TO RICHARD ROOS-COLLINS.

6 MR. ROOS-COLLINS: MR. CHAIRMAN, MEMBERS  
7 OF THE BOARD, I'M RICHARD ROOS-COLLINS. I'M THE  
8 ATTORNEY FOR VICHY SPRINGS RESORT, MILES CRAIL,  
9 WHO IS A NEIGHBOR AS WELL OF THE LANDFILL, AND  
10 FRIENDS OF THE RUSSIAN RIVER, WHICH IS A  
11 CONSERVATION ORGANIZATION INTERESTED IN THE WATER  
12 QUALITY OF THE RUSSIAN, INCLUDING A BIRD RANCH  
13 WHICH MAY BE IMPACTED BY THIS LANDFILL.

14 YOU'VE NOW HEARD MORE THAN AN HOUR  
15 OF TESTIMONY IN SUPPORT OF YOUR CONCURRENCE IN  
16 THIS PERMIT. SOME OF THE TESTIMONY ADDRESSES  
LIVE

17 ISSUES BEFORE YOU. MUCH OF IT, I RESPECTFULLY  
18 SUBMIT, CONSISTS OF RED HERRINGS.

19 MR. KENNEDY ATTACKED THE  
INTEGRITY

20 AND THE INTENTIONS OF MR. ASHOFF AS COOWNER OF  
21 VICHY SPRINGS RESORT. THAT IS IMPROPER IN A  
CITY

22 OFFICIAL, BUT MORE TO THE POINT, UTTERLY

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23                   IRRELEVANT TO THE DECISION YOU HAVE TO MAKE  
TODAY .

24                   YOUR DECISION IS NOT ABOUT MR. ASHOFF'S  
INTENTIONS

25                   OR INTEGRITY. IT IS ABOUT THIS PERMIT.

1                   SIMILARLY, THE DECISION YOU HAVE  
2                   TODAY IS NOT ABOUT THE GOOD INTENTIONS OF CITY  
3                   OFFICIALS. MR. KENNEDY ALLEGED THAT I SAID BEFORE  
4                   THE ENFORCEMENT AND PERMITTING COMMITTEE THAT CITY  
5                   STAFF IS INDIFFERENT ABOUT HAZARDOUS WASTE DIS-  
6                   POSAL. I DIDN'T SAY THAT. AND YOU CAN REVIEW THE  
7                   TRANSCRIPT OF THE COMMITTEE HEARING AND CONFIRM I  
8                   DIDN'T SAY THAT. I SAID THE CITY DOES AN  
9                   INADEQUATE JOB OF REGULATING HAZARDOUS WASTE  
10                  DISPOSAL AT THIS PERMIT.

11                 SO LET ME UNDERSCORE, MR. ASHOFF,  
12                 FRIENDS OF THE RUSSIAN RIVER, AND MR. CRAIL ARE  
13                 NOT QUESTIONING THE INTENTIONS OF CITY OFFICIALS  
14                 WHEN WE ASK THAT YOUR CONFIDENCE IN THEIR IN-  
15                 TENTIONS NOT GOVERN YOUR DECISION. YOUR DECISION  
16                 GOES TO WHETHER THE CITY DESERVES A PERMIT.

17                 THIS IS NOT ABOUT A COMPREHENSIVE  
18                 PLAN FOR THE COUNTY. WE, OF COURSE, SUPPORT  
19                 HAVING A COMPREHENSIVE PLAN FOR MANAGEMENT OF  
20                 SOLID WASTE IN THIS COUNTY. THIS IS ABOUT A  
21                 PERMIT TO INCREASE THE DAILY DISPOSAL AT THIS  
22                 LANDFILL GIVEN THE RECORD OF NONCOMPLIANCE THIS  
23                 LANDFILL HAS ACCRUED SINCE IT WAS FIRST PERMITTED  
24                 IN THE MID-1970S.

25                 WE ASK THAT YOU MAKE TWO DECISIONS

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TODAY. THE FIRST IS NOT TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT PREPARED BY THE CITY, BUT INSTEAD TO REQUEST THAT THAT ENVIRONMENTAL IMPACT REPORT BE SUPPLEMENTED TO ADDRESS THE NEW INFORMATION WHICH DEMONSTRATES THAT THIS LANDFILL IS NOT IN COMPLIANCE WITH APPLICABLE STATE LAWS.

THE SECOND ACTION WE REQUEST IS THAT  
YOU NOT CONCUR IN THE LEA'S PERMIT DECISION.

LET ME DISCUSS THE CURRENT SITUATION  
AT THE LANDFILL AS WE UNDERSTAND IT. CITY AND  
COUNTY OFFICIALS HAVE TOLD YOU OR I UNDERSTOOD  
THEM TO TELL YOU THAT THIS LANDFILL IS IN  
COMPLIANCE WITH APPLICABLE LAW. THAT IS  
INCORRECT. IT IS ON VARIOUS SCHEDULES TO COME  
INTO COMPLIANCE WITH APPLICABLE STATE LAW. BUT AS  
OF THIS DATE, THIS LANDFILL VIOLATES NUMEROUS  
REQUIREMENTS OF STATE LAW, AMONG THEM LIMITATION  
ON LANDFILL GAS AND ALSO CONTAMINATION OF  
GROUNDWATER.

DURING RAINY SEASONS UP THROUGH AND INCLUDING THE ONE THAT ENDED THIS SPRING, THE LANDFILL HAS VIOLATED REQUIREMENTS REGARDING CONTROL OF EROSION AND PREVENTION OF CONTAMINATION OF RAINFALL AND CREATION OF LEACHATE.

I UNDERSTAND THAT YOU HAVE BEEN HERE

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1           SINCE 9:30, AND I UNDERSTAND YOU HAVE A WAY TO GO,  
2           BUT I WOULD LIKE TO SHOW YOU SEVERAL PHOTOGRAPHS  
3           TO ILLUSTRATE OUR POSITION THAT THIS LANDFILL IS  
4           NOT IN COMPLIANCE TODAY WITH STATE LAW. MR.  
5           ASHOFF WILL HELP ME.

6                       MR. CHAIRMAN, IF I STAND HERE IN  
7           ORDER TO SHOW YOU THE PHOTOGRAPHS, CAN MY COMMENTS  
8           STILL BE TRANSCRIBED?

9                       THE REPORTER: YES.

10                      MR. ROOS-COLLINS: THIS FIRST BOARD SHOWS  
11           CONDITIONS IN 1995, SPECIFICALLY ON OR ABOUT  
12           JANUARY 15TH. WHAT YOU SEE HERE IS THE ACTIVE  
13           FACE OF THE LANDFILL. THIS ACTIVE FACE IS  
14           CONSIDERABLY LARGER THAN ALLOWED BY STATE LAW,  
15           WHICH LIMITS THE OPEN FACE AT ANY ONE TIME, AND,  
16           MORE IMPORTANTLY, WAS UNCOVERED FOR SEVERAL WEEKS,  
17           POSSIBLY AS LONG AS A MONTH. THAT VIOLATES THE  
18           REQUIREMENT THAT WASTE BE COVERED WITHIN A DAY OF  
19           DISPOSAL.

20                      WHEN WE ASKED CITY OFFICIALS HOW  
21           COME, THEY EXPLAINED THEY HAD TWO PROBLEMS,  
22           UNAVAILABILITY OF ADEQUATE ALTERNATE COVER, WHICH  
23           IS TO SAY TARPING, AND SECONDLY, THE STEEP SLOPES  
24           OF THE LANDFILL ITSELF. REGARDLESS OF THEIR  
25           EXPLANATION, THIS REPRESENTS THE CONDITIONS WHICH

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1 MR. ASHOFF, AS A NEIGHBOR, AND MR. CRAIL, AS A  
2 NEIGHBOR, HAVE ROUTINELY OBSERVED IN EVERY RAINY  
3 SEASON SINCE THE LATE -- SINCE THE 1980S.

4 I'M NOT SAYING THAT THE LANDFILL  
5 EVERY DAY VIOLATES THE REQUIREMENTS, THE  
6 LIMITATION AND OPEN -- THE LIMITATION FOR SIZE OF  
7 WASTE DISPOSAL, AND I'M NOT SAYING THAT THEY  
8 ALWAYS VIOLATE THE DAILY COVER REQUIREMENT. I'M  
9 SAYING THE CITY ON A REGULAR BASIS HAS VIOLATED  
10 THOSE REQUIREMENTS.

11 AND IN A FEDERAL CASE WE NOW HAVE  
12 PENDING IN THE NORTHERN DISTRICT OF CALIFORNIA,  
13 WE  
14 WILL SUBMIT SWORN TESTIMONY FROM NEIGHBORS WHO  
15 ARE  
16 EYE WITNESSES THAT THESE REQUIREMENTS HAVE BEEN  
17 ROUTINELY VIOLATED.

18 THESE PHOTOGRAPHS ALSO SHOW THE  
19 CONSEQUENCES OF FAILURE TO COVER; NAMELY, PONDING  
20 AND POTENTIAL EXCESS OF CAPACITY OF THE RAINFALL  
21 AND LEACHATE COLLECTION SYSTEM AND DISCHARGE INTO  
22 THE UNNAMED TRIBUTARY AT THE TOE OF THE LANDFILL.

23 NOW, BEFORE THE COMMITTEE HEARING  
24 ON  
25 JULY 10TH, THE CITY REPRESENTED THAT ITS NEW

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23                   MANAGEMENT AT THE LANDFILL HAD FIXED THE PROBLEMS  
24                   WHICH HAD EXISTED UP UNTIL RECENTLY. WE  
25                   ACKNOWLEDGE THAT IN SOME RESPECTS THE SITUATION

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1 HAS IMPROVED, BUT WE TAKE EXCEPTION WITH THE CITY  
2 IF THE CITY MEANS TO SAY THAT IT NOW ROUTINELY  
3 COMPLIES WITH THE REQUIREMENTS APPLICABLE TO THIS  
4 LANDFILL UNDER THE 1979 PERMIT.

5 THESE PHOTOGRAPHS ILLUSTRATE  
SEVERAL

6 VIOLATIONS WHICH WERE OBSERVED IN MARCH OF THIS  
7 YEAR. AGAIN, WE'RE PREPARED TO INTRODUCE SWORN  
8 TESTIMONY IN COURT THAT THESE PHOTOGRAPHS ARE  
WHAT

9 THEY PURPORT TO BE. THEY SHOW CATTLE GRAZING  
10 WITHIN THE LANDFILL BOUNDARIES IN VIOLATION OF  
THE  
11 PERMIT PROHIBITION ON SUCH CATTLE GRAZING IN THE  
12 FACE OF MR. ASHOFF'S ROUTINE COMPLAINTS ABOUT  
SUCH  
13 CATTLE GRAZING IN PRIOR YEARS.

14 ALTHOUGH THE PHOTOGRAPHS DON'T  
15 ACTUALLY SAY THIS TO YOU, LET ME REPRESENT TO YOU  
16 THAT THE FOURTH, FIFTH, AND SIXTH PHOTOGRAPHS,  
17 WHICH SHOW OPEN WASTE, REPRESENT SPECIFICALLY  
18 WASTE IN EXCESS OF THE SPACE LIMITATION AND ALSO  
A  
19 VIOLATION OF THE DAILY COVER REQUIREMENT.

THEY'RE

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20               PREPARED TO INTRODUCE TESTIMONY THAT IN MARCH OF  
21               1996 THESE WASTES WERE NOT COVERED AS REQUIRED BY  
22               STATE LAW.

23                               THESE PHOTOGRAPHS ALSO SHOW PONDING  
24               OF LEACHATE IN VIOLATION OF THE PERMIT  
REQUIREMENT  
25               AND STATE LAW.   THEY SHOW SLIPPAGE IN THE STEEP



1 HILLSIDE OF THE LANDFILL AND EROSION IN VIOLATION  
2 OF THE PERMIT REQUIREMENTS.

3 THE SITUATION HAS IMPROVED. CITY  
4 MANAGEMENT IS MAKING A MUCH MORE CONCERTED EFFORT  
5 TO COMPLY WITH THE PERMIT AND OTHER REQUIREMENTS  
6 OF STATE LAW, BUT THIS LANDFILL IS NOT IN COM-  
7 PLIANCE TODAY WITH STATE LAW WITH REGARD TO  
8 LANDFILL AND GROUNDWATER CONTAMINATION AS  
9 ACKNOWLEDGED BY THE PUBLIC OFFICIALS WHO PRECEDED  
10 ME. AND WE BELIEVE IT HAS BEEN OPERATED IN  
11 VIOLATION OF VARIOUS OPERATING REQUIREMENTS  
12 RELATED TO THE CONTROL OF LEACHATE AND EROSION AS  
13 RECENTLY AS THIS PAST RAINY SEASON.

14 MR. EVANS, REPRESENTING THE REGIONAL  
15 WATER QUALITY CONTROL BOARD, AND ALSO REPRESENTA-  
16 TIVES OF THE LOCAL ENFORCEMENT AUTHORITY HAVE  
17 INDICATED TO YOU THAT THIS LANDFILL GETS GOOD  
18 MARKS IN THEIR BOOKS. THAT MAY BE. BUT I ASK YOU  
19 TO ASK THEM HOW OFTEN SINCE THIS LANDFILL WAS  
20 PERMITTED BY THE REGIONAL WATER QUALITY CONTROL  
21 BOARD IN 1975 AND SUBSEQUENTLY BY THE LEA IN 1979,  
22 HOW OFTEN HAVE THEY FOUND VIOLATIONS AND REPORTED  
23 SUCH VIOLATIONS OR AREAS OF CONCERN. I BELIEVE  
24 THAT THEY HAVE REPORTED VIOLATIONS OR AREAS OF  
25 CONCERN IN MANY, IF NOT MOST, YEARS SINCE THIS

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1 LANDFILL WAS FIRST PERMITTED.

2 AND I UNDERSCORE, WHEN THEY SAY  
3 COMPLIANCE, THEY MEAN THE LANDFILL IS ON SCHEDULES  
4 FOR COMPLIANCE. THEY DID NOT REPRESENT AND I DO  
5 NOT BELIEVE THEY CAN REPRESENT THAT THE LANDFILL  
6 COMPLIES TODAY WITH THE REQUIREMENTS I HAVE JUST  
7 DISCUSSED.

8 NOW, LET ME BRING THIS CLOSER TO  
9 HOME. THE DECISION THAT YOU HAVE TODAY IS WHETHER  
10 TO CONCUR IN A PERMIT WHICH WOULD INCREASE THE  
11 ALLOWED DAILY DISPOSAL OF WASTE. GIVEN THE RECORD  
12 OF NONCOMPLIANCE AND NOTWITHSTANDING THE  
13 INTENTIONS TO COME INTO COMPLIANCE, I ASK YOU:  
14 ARE YOU CONFIDENT THAT THIS LANDFILL WILL BE IN  
15 COMPLIANCE EVEN AS THE RATE OF DISPOSAL INCREASES  
16 SUBSTANTIALLY?

17 EROSION, FOR EXAMPLE. THE CITY HAS  
18 NOT BEEN ABLE TO COVER WASTE AT THE CURRENT RATE  
19 OF DISPOSAL. IF YOU INCREASE THE RATE OF  
20 DISPOSAL, I THINK IT'S REASONABLE TO CONCLUDE THAT  
21 THE EROSION AND, THEREFORE, THE LEACHATE PROBLEM  
22 MAY WORSEN.

23 LANDFILL GAS AND GROUNDWATER CON-  
24 TAMINATION, I'M NOT AN EXPERT AND I DON'T PURPORT  
25 TO OFFER YOU AN EXPERT OPINION, BUT I ASK YOU: AT

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1           A TIME WHEN THE CITY IS ON SCHEDULES OF COMPLIANCE  
2           BUT NOT IN COMPLIANCE WITH APPLICABLE  
3           REQUIREMENTS, ARE YOU CONFIDENT THAT DISPOSING  
4           MORE WASTE QUICKER WILL NOT WORSEN THE PROBLEM AT  
5           THIS LANDFILL?

6                         WE DO NOT ASK THAT THIS LANDFILL BE  
7           SHUT DOWN. WE DO NOT ASK THAT THIS LANDFILL BE  
8           RESTRICTED TO THE LEVEL OF -- TO THE RATE OF  
9           DISPOSAL REQUIRED BY THE 1979 PERMIT. WE SEEK NO  
10          PARTICULAR REMEDY HERE TODAY.

11                        WE ASK THAT YOU DENY CONCURRENCE AND  
12          REQUEST A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT  
13          AND TAKE THE TIME -- UNDERTAKE THE INVESTIGATION  
14          NECESSARY TO ANSWER TWO QUESTIONS. ONE, IS THE  
15          LANDFILL IN COMPLIANCE WITH APPLICABLE REQUIRE-  
16          MENTS TODAY; AND, TWO, HOW WILL INCREASING THE  
17          RATE OF DISPOSAL AFFECT THE PROBLEMS AT THE  
18          LANDFILL?

19                        LET ME CLOSE BY ADDRESSING THE  
20          PLEA

21          MADE BY CITY AND PUBLIC OFFICIALS THAT YOU  
22          NOT  
23          INTERFERE WITH THE COUNTY'S EFFORTS TO MANAGE  
24          ITS  
25          WASTE IN A COMPREHENSIVE FASHION. MY CLIENTS

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ALL

23               LIVE IN THIS COUNTY.   THEY WANT THEIR WASTE

24               DISPOSED OF PROPERLY.   THEY SUPPORT A

COMPREHEN-

25               SIVE PLAN FOR DISPOSAL.   BUT A RUSH TO  
JUDGMENT ON

1           A RECORD OF NONCOMPLIANCE, WHICH IS A PUBLIC  
2           RECORD, CAN YOU APPROVE THIS PERMIT TODAY AND  
3           ALLOW THE CITY TO NEARLY DOUBLE THE APPROPRIATE --  
4           THE PERMITTED RATE OF DISPOSAL?

5                       I HAVE HEARD NOTHING TODAY WHICH  
6           INDICATES THAT THE SKY WILL FALL ON THIS COUNTY OR  
7           THIS LANDFILL IF YOU SATISFY YOURSELVES THROUGH A  
8           LIMITED AND, IF NECESSARY, BRIEF INVESTIGATION AS  
9           TO THE VALIDITY OF THE ALLEGATIONS THAT WE HAVE  
10          MADE TODAY. IF YOU NONCONCUR, I ASSURE YOU THE  
11          CITY WILL COME BACK TO YOU; BUT AT THAT JUNCTURE,  
12          IF YOU UNDERTAKE THE INVESTIGATION WE REQUEST, YOU  
13          WILL HAVE A PROPER RECORD ON THE BASIS OF WHICH  
14          YOU CAN MAKE THAT DECISION. THAT IS WHAT WE  
15          REQUEST. I WOULD WELCOME ANY QUESTIONS.

16                     CHAIRMAN PENNINGTON: ANY QUESTIONS?  
17          THANK YOU, MR. COLLINS.

18                     BOARD MEMBER CHESBRO: MR. CHAIRMAN,  
19          SINCE THERE WERE SPECIFIC ALLEGATIONS OF COM-  
20          PLIANCE PROBLEMS AND VIOLATIONS, PERHAPS EITHER  
21          OUR STAFF OR THE LEA COULD RESPOND.

22                     CHAIRMAN PENNINGTON: SURE.

23                     MR. MORLEY: JOHN MORLEY, THE LOCAL  
24          ENFORCEMENT AGENCY. ON THE SUBJECT OF DAILY  
25          COVER, IN 1993, IN THE WINTER OF '93, THE CITY WAS

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1           HAVING PROBLEMS COVERING DURING WET WEATHER. THAT  
2           WAS DOCUMENTED. IN '94 THEY INITIATED THE USE OF  
3           ALTERNATIVE DAILY COVER AND HAVE DONE A GOOD JOB  
4           EVER SINCE THEN WITH COVERING THE WASTE AT THE  
5           CLOSE OF BUSINESS. IF YOU CHECK THE INSPECTION  
6           REPORTS GOING BACK TWO YEARS, WE HAVE NOT NOTED A  
7           VIOLATION OR AN AREA OF CONCERN FOR DAILY COVER.

8                           QUESTIONS?

9                   CHAIRMAN PENNINGTON: STAFF WANT TO MAKE  
10           A COMMENT ON THAT? OKAY. I'LL TRY RAYMOND  
11           RUMINSKI AGAIN.

12                   MR. RUMINSKI: THANK YOU, SIR. I WORK  
13           FOR THE NEIGHBORING COUNTY, AND I REPRESENT THE  
14           LOCAL ENFORCEMENT AGENCY THERE. AND ALTHOUGH --  
15           ALTHOUGH WE DO -- OUR SOLID WASTE MANAGEMENT  
16           PEOPLE AND OUR OPERATORS THERE DO COOPERATE AND  
17           HAVE SOME JOINT PROGRAMS WITH MENDOCINO COUNTY, WE  
18           HAVE NO DIRECT INVOLVEMENT, NO ENFORCEMENT, NO  
19           PROGRAM ON THE UKIAH LANDFILL. I'M SPEAKING HERE  
20           AS AN INTERESTED OBSERVER AND A NEIGHBOR.

21                   BOARD MEMBER RELIS: EXCUSE ME. WHAT  
22           COUNTY IS THE NEIGHBORING COUNTY?

23                   CHAIRMAN PENNINGTON: LAKE.

24                   BOARD MEMBER RELIS: LAKE.

25                   MR. RUMINSKI: IMMEDIATELY EAST OF

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1           HERE --

2                   BOARD MEMBER RELIS:   WHERE ARE YOU FROM?

3                   MR. RUMINSKI:   LAKE COUNTY.   LAKE COUNTY  
4           DOES OPERATE A LANDFILL.   WE'RE SIMILAR IN SIZE,  
5           SIMILAR IN WASTE STREAM.   AND SINCE ABOUT 1972, A  
6           LANDFILL THERE HAS HAD A UNIFIED SYSTEM WHERE THEY  
7           CLOSED SEVERAL SMALL BURN DUMPS AND SMALL LAND-  
8           FILLS AND COMBINED THE ENTIRE COUNTY'S WASTE  
9           STREAM INTO THE EASTLAKE LANDFILL.

10                   YOU MAY BE DISCUSSING OUR PERMIT  
11           ABOUT THIS TIME NEXT YEAR.

12                   BUT ANYWAY, I FIND YOUR STAFF REPORT  
13           CONCISE, CLEAR, INFORMATIVE.   AND LIKE I SAID  
14           BEFORE, ALTHOUGH WE DON'T HAVE -- OUR ENFORCEMENT  
15           THING ENDS AT THE COUNTY LINE, WE DO HAVE AN  
16           INTEREST.   WE'RE INTERESTED IN LOCAL PLANNING.  
17           WE'RE INTERESTED IN HOW THE BOARD STAFF ANALYZES  
18           AND HOW THE BOARD ITSELF DISCUSSES, ANALYZES, AND  
19           CONCURS IN THESE LOCAL ISSUES.   AND I'D SUPPORT  
20           THE PERMIT REVISION AS A SMALL BUT VERY VALUABLE  
21           PART OF AN OVERALL WASTE MANAGEMENT SCHEME.

22                   THANK YOU VERY MUCH.

23                   CHAIRMAN PENNINGTON:   THANK YOU.   ANY  
24           QUESTIONS?   THANK YOU.

25                   NOW WE HAVE RICHARD SHOEMAKER AND/OR

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1           DAVID RAPPORT.   WHO'S GOING TO GO FIRST?

2                   MR. RAPPORT:   I'LL GO FIRST.

3                   CHAIRMAN PENNINGTON:   YOU'LL CONCEDE TO  
4           THE COUNCIL, THE VICE MAYOR?

5                   MR. RAPPORT:   I'LL TRY TO KEEP THIS VERY  
6           SHORT.   MY NAME IS DAVID RAPPORT, AND I'M THE CITY  
7           ATTORNEY FOR THE CITY OF UKIAH.

8                           AT THIS POINT I'D JUST LIKE TO MAKE  
9           A LEGAL POINT ABOUT THE ENVIRONMENTAL IMPACT  
10          REPORT.   IT HAS ALREADY BEEN CERTIFIED.   THE CITY  
11          WAS APPOINTED AS THE LEAD AGENCY, AND THE CITY HAS  
12          CERTIFIED IT.   THAT IS BEING CHALLENGED  
13          JUDICIALLY.   AND IF IT'S SET ASIDE, THAT WOULD  
14          OBVIOUSLY AFFECT THE ISSUANCE OF THIS PERMIT; BUT  
15          AS FAR AS THE BOARD'S CONCERNED SITTING HERE  
16          TODAY, IT'S ALREADY BEEN CERTIFIED, AND YOU ARE  
17          ENTITLED AND OBLIGATED TO RELY ON ITS CONCLUSIONS.

18                           AS TO THE NOTED VIOLATIONS, THERE --  
19          WE OBVIOUSLY CAN'T CONTEST THE FACT AND THE STAFF,  
20          YOUR STAFF, HAS IDENTIFIED THAT THERE ARE VIOLA-  
21          TIONS.   I THINK DAVE EVANS DID A GOOD JOB OF  
22          PUTTING THE GROUNDWATER CONTAMINATION ISSUE IN  
23          CONTEXT.

24                           THE QUESTION REALLY IS WHO'S IT --  
25          IS IT IN ANYBODY'S INTEREST TO DENY THIS PERMIT,

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1           AND IS IT AGAINST ANYBODY'S INTEREST OR IS IT  
2           GOING TO ADVANCE ANY INTEREST TO GRANT IT?  AND  
3           FRANKLY, IT ALMOST SEEMS LIKE -- I DON'T WANT TO  
4           OFFEND ANYBODY, BUT IT ALMOST SEEMS LIKE A NO  
5           BRAINER HERE.

6                       THE EIR ITSELF SAYS THAT THE  
7           INCREASE IN THE AVERAGE DAILY TONNAGE ISN'T GOING  
8           TO MAKE THESE EXISTING VIOLATIONS WORSE.  THEY'RE  
9           ALREADY THERE AND THEY HAVE TO BE DEALT WITH, AND  
10          THE CITY IS PROCEEDING TO DEAL WITH THEM.

11                      IF YOU DENY THE APPLICATION, AND THE  
12          CITY WERE FORCED TO GO BACK TO 50 TONS PER DAY,  
13          THE UNINCORPORATED AREA OF THE UKIAH VALLEY AND  
14          THE ANDERSON VALLEY WOULD HAVE TO FIND --  
15          INSTANTLY FIND SOMEWHERE ELSE TO TAKE THEIR  
16          GARBAGE.  IT COULDN'T COME INTO THE UKIAH LANDFILL  
17          ANYWAY.  THAT'S OBVIOUSLY NOT IN THE INTEREST OF  
18          CURRENT PROCESSING OF SOLID WASTE IN THE COUNTY.

19                      IF YOU CUT THE CITY BACK TO -- IF  
20          YOU WERE TO FORCE THE CITY TO COME BACK AND ASK  
21          FOR A PERMIT REVISION THAT WOULD SIMPLY ALLOW FOR  
22          THEIR CURRENT LEVEL, THAT WOULD HAVE ALL THE  
23          IMPACTS ON THE REGIONAL EFFORT TO COME UP WITH A  
24          COUNTYWIDE SOLUTION FOR WASTE DISPOSAL.

25                      BUT IF YOU GRANT THE PERMIT, THE

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1 LANDFILL WILL CLOSE IN TWO YEARS RATHER THAN THREE  
2 YEARS, WHICH IS GOING BENEFIT VICHY SPRINGS AND  
3 THOSE PEOPLE THAT ARE CONCERNED ABOUT THE  
4 ENVIRONMENTAL IMPACTS FROM THE LANDFILL. IT'S  
5 ACTUALLY IN VICHY SPRINGS' BEST INTEREST FOR YOU  
6 TO GRANT THIS PERMIT, AND THAT WILL CAUSE THE  
7 LANDFILL TO CLOSE SOONER.

8 SO THERE'S REALLY -- IF LOOKED AT  
9 RATIONALLY, THERE IS NOBODY WHO BENEFITS FROM  
10 DENYING THIS PERMIT, AND EVERYBODY WHO'S ADDRESSED  
11 THE BOARD TODAY FOR OR AGAINST GRANTING THE PERMIT  
12 BENEFITS IF YOU DO APPROVE THE REQUESTED REVISION.  
13 AND UNLESS YOU HAVE ANY QUESTIONS.

14 CHAIRMAN PENNINGTON: ANY QUESTIONS?  
15 OKAY. AND FINALLY RICHARD SHOEMAKER.

16 VICE MAYOR SHOEMAKER: I'M SURE YOU'RE  
17 GLAD I'M THE LAST SPEAKER.

18 CHAIRMAN PENNINGTON: IT'S BEEN A LONG  
19 DAY FOR YOU TOO.

20 VICE MAYOR SHOEMAKER: NOT THAT I DIDN'T  
21 EXPECT IT TO BE LONG.

22 MR. COLLINS HAS STATED HERE HE'S NOT  
23 AN EXPERT ON LANDFILLS, AND I WILL GRANT HIM THAT.  
24 YOU HAVE EXPERTS HERE. YOU HAVE YOUR STAFF. YOU  
25 HAVE DAVE EVANS. YOU HAVE THE LOCAL LEA. AND I

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1 THINK THEY'VE ALL GIVEN US AT LEAST A DECENT  
2 REPORT ON OUR REPERMITTING APPLICATION.

3 CITY OF UKIAH IS A SINNER. WE ARE  
4 TRYING TO REPENT, AND WE NEED YOUR HELP TO GET  
5 THAT WAY. THAT'S THE PRETTY BASIC ISSUE, I THINK.

6 A COUPLE OF THINGS THAT CAME UP IN  
7 SACRAMENTO WHEN I WAS THERE WAS THE SIZE OF THE  
8 APPLICATION AT 190 TONS AND THE POSSIBILITY OF  
9 HOLDING THAT TO A LESSER TONNAGE OR THE CURRENT  
10 TONNAGE OF 110. AT THAT TIME WE DID NOT MAKE THE  
11 POINT THAT OUR ORIGINAL APPLICATION WAS FOR 295  
12 TONS AVERAGE DAILY, AND WE ACTUALLY DID A  
13 REDUCTION BEFORE IT GOT TO THE COMMITTEE TO GO TO  
14 THE 190.

15 A LITTLE COMMENT ON THE 110, AND I  
16 THINK YOU'VE HEARD PLENTY OF IT, THAT THAT WOULD  
17 KEEP US AT A STATUS QUO, BUT DEFINITELY HURT THE  
18 LOCAL PLANNING ISSUES WE HAVE HERE. I KNOW THAT  
19 THE CONTINUING CONCERN FOR OUR COMPLIANCE ON THE  
20 ISSUES THAT WE'RE NOT COMPLIANT IN IS A VERY,

VERY

21 MAJOR ISSUE, VERY MAJOR. IT'S MAJOR TO ME, IT'S  
22 MAJOR TO MY COUNCIL AND OUR STAFF.

23 I'VE WRITTEN DOWN HERE -- AND I  
ALSO

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24 DID GIVE YOU A COPY OF THIS THAT WAS DISTRIBUTED  
25 TO YOU TODAY. I WON'T HIT IT ALL -- IS OUR LEA,

1 THE LOCAL LEA, AS HAVE OTHER ONES THROUGHOUT THE  
2 STATE, HAVE HEARD THE WAKE-UP CALL OF THIS BOARD,  
3 THAT ENFORCEMENT HAS NOT BEEN WHAT IT SHOULD BE,  
4 AND YOU WILL GET TO WORK ON THESE THINGS. OUR LEA  
5 HAS WORKED VERY HARD IN UKIAH GETTING US ON THE  
6 BALL AND GETTING US UP TO SNUFF.

7 YOU'VE HEARD DAVE EVANS' REPORT.  
8 WATER QUALITY WAS NOT HAPPY WITH US A FEW YEARS  
9 BACK. I CAN'T NECESSARILY SAY THEY'RE ACTUALLY  
10 HAPPY WITH US, BUT THEY KNOW WE'VE RESPONDED AND  
11 WORKED HARD FOR THOSE ISSUES TO BE CLEARED UP, AND  
12 HE DID GIVE YOU A DECENT REPORT TODAY.

13 WE ARE COMMITTED TO OUR REMEDIATION  
14 WORK. YOU HEARD ABOUT OUR TIME LINES, OUR STIPU-  
15 LATED AGREEMENTS WHICH CONTAINS CIVIL PENALTIES  
16 FOR NOT KEEPING OUR TIME LINES AND OUR EXPENDI-  
17 TURES. SO THERE'S A PRETTY SIMPLE METHOD TO  
18 ATTACK THE CITY OF UKIAH FOR NOT FOLLOWING THROUGH  
19 WITH WHAT IT HAS PROMISED TO DO AND I WILL SAY  
20 BUDGETED TO DO. AGAIN, 25 PERCENT OF OUR REVENUES  
21 ARE GOING TOWARD REMEDIATION WORK. THAT'S A  
22 PRETTY GOOD CHUNK.

23 I DON'T KNOW, OTHER THAN NEVADA  
24 COUNTY, WE DON'T HAVE ANY OF THESE ANYMORE, I  
25 DON'T THINK ANYBODY ELSE IS GOING TO BE PAYING

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1            THAT MUCH FOR REMEDIATION.

2                            I'LL SKIP THE ISSUES ABOUT  
3           REGIONALISM. YOU'VE HEARD THAT TO DEATH. I THINK  
4           IT'S IMPORTANT. THIS IS A NOT SO AFFLUENT  
5           COMMUNITY. MENDOCINO COUNTY, I THINK, RANKS RIGHT  
6           AT THE BOTTOM OF INCOME PER CAPITA, AVERAGE INCOME  
7           PER CAPITA. YOU'VE SEEN THE RESULTS OF HIGH  
8           TIPPING FEES ON THE PICTURES PRESENTED TO YOU THIS  
9           MORNING, AND THE IRONY IS WE WANT TO PROSECUTE  
10          FOLKS THE DUMP, AND A LOT OF FOLKS THAT DUMP CAN'T  
11          AFFORD TO DUMP LEGALLY.

12                          THIS REPERMITTING APPLICATION WILL  
13          NOT NECESSARILY BRING THOSE FEES DOWN, BUT IT WILL  
14          ASSURE THAT WE'LL HAVE MONEY TO CLEAN UP THOSE  
15          DUMPS. IT WILL ASSURE THAT WE HAVE MONEY TO  
16          REMEDIATE THE GAS AND METHANE PROBLEMS. THIS WILL  
17          HELP IN THAT REGARD. IT WILL ALSO HELP IN THE  
18          REGIONAL PLANNING, THAT WE CAN CREATE A COST-  
19          EFFECTIVE, CONSOLIDATED, AND ECONOMIC PROGRAM FOR  
20          THIS ENTIRE LOW INCOME COMMUNITY.

21                          LAST THING I WANTED TO ADDRESS WAS I  
22          KNOW, AGAIN, THE METHANE COLLECTION SYSTEM IS  
23          BUDGETED FOR OUR '96-'97 PERIOD OF TIME. OUR  
24          STAFF IN THE PAST HAS ACTUALLY REQUESTED OF YOUR  
25          STAFF THAT WE COULD UTILIZE OUR SET-ASIDE FUNDS

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1           FOR POSTCLOSURE TO DO SOME OF THAT WORK. WE DO  
2           NOT GENERATE ENOUGH INCOME TO DO ALL THE WORK WE  
3           WOULD LIKE AND NEED TO DO IN ONE YEAR. SO IF  
4           THERE WAS SOME ISSUE AROUND THAT, MAYBE AS A POINT  
5           OF DISCUSSION YOU COULD ENTER INTO, THAT WAY WE  
6           COULD GET INTO THESE PROGRAMS A LITTLE SOONER THAN  
7           THE '96-'97 BUDGET.

8                       I APPRECIATE YOUR TIME AGAIN TODAY.  
9           YOU'VE BEEN VERY PATIENT WITH US AND OUR  
10          COMMUNITY. AND IF YOU HAVE ANY QUESTIONS, I'D BE  
11          GLAD TO ANSWER.

12                     CHAIRMAN PENNINGTON: THANK YOU. THAT  
13          CONCLUDES THE PUBLIC COMMENTS. ANY DISCUSSION?  
14          ANY MOTION?

15                     BOARD MEMBER RELIS: DISCUSSION.

16                     CHAIRMAN PENNINGTON: DISCUSSION.

17                     BOARD MEMBER RELIS: I WAS PLEASED TO  
18          HEAR MAYOR -- VICE MAYOR SHOEMAKER SAY THE -- THE  
19          INTEREST IN REMEDYING THE GAS SITUATION. I'M  
20          LOOKING BACK TIMEWISE, AND I SEE THAT ROUGHLY ON  
21          TEN OCCASIONS OUT OF ROUGHLY 15 MONITORS IN THAT  
22          ONE AREA, WE'VE HAD LEVELS THAT RANGE FROM, OH, A  
23          LOW OF NINE-ISH TO AS HIGH AS 30 PERCENT. AND  
24          THAT REMAINS BASICALLY MY SOLE CONCERN ON THIS  
25          PERMIT.

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1                   NOW, A SUGGESTION HAS BEEN MADE BY  
2                   THE VICE MAYOR ABOUT POSSIBLY LEVERAGING OR  
3                   FINDING A WAY TO ACCELERATE THE IMPLEMENTATION OF  
4                   THIS GAS SYSTEM. AND I DON'T KNOW WHETHER THE  
5                   SUGGESTION -- SUGGESTED APPROACH IS WORKABLE, AND  
6                   I DON'T WANT TO OPEN UP. I DON'T KNOW WHETHER  
7                   THAT IS AN INVIOATE AREA FOR US IN TERMS OF USING  
8                   SOME FUNDS OR BORROWING AGAINST FOR ONE YEAR, SO I  
9                   DON'T HAVE AN ANSWER TO THAT, BUT I LIKE THE  
10                  DIRECTION.

11                  I THINK THAT THIS -- I'M PERSUADED  
12                  THAT THE COUNTY OF MENDOCINO HAS -- YOU USED THE  
13                  WORD "SINNER." I DON'T WANT TO -- I WOULDN'T USE  
14                  THAT WORD, BUT I WOULD SAY THAT YOU ARE TRYING TO  
15                  MEND YOUR WAYS FROM THE PAST AND HAVE SHOWN GOOD  
16                  PROGRESS IN DOING SO.

17                  BUT GAS IS A SERIOUS VIOLATION.  
18                  IT'S ONE THAT'S DIRECTLY UNDER OUR PURVIEW AND  
19                  IT'S HOT. IT'S NOT MARGINAL; IT'S NOT BORDERLINE.  
20                  SO I THROW THAT OPEN FOR DISCUSSION. I DON'T HAVE  
21                  THE -- WE'RE LOOKING AT A \$158,000 AS I READ YOUR  
22                  BUDGET. THAT'S THE ROUGH ESTIMATE.

23                  MR. KANZ: WE'LL KNOW MORE WHEN THE  
24                  AMENDED CORRECTIVE ACTION PLAN IS SUBMITTED TO THE  
25                  LEA.

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1                   BOARD MEMBER RELIS:   SOMEWHERE IN THAT  
2                   BALLPARK.

3                   MR. KANZ:   SOMEWHERE BETWEEN 150 TO  
4                   200,000.

5                   BOARD MEMBER RELIS:   SO WOULD THE --  
6                   WELL, I'LL STOP THERE.

7                   CHAIRMAN PENNINGTON:   MR. CHESBRO.

8                   BOARD MEMBER CHESBRO:   SINCE I'VE BEEN ON  
9                   THIS BOARD, WHICH IS ABOUT TO BE SIX YEARS,  
10                  THERE'S BEEN A HANDFUL OF TIMES WHEN WE'VE HAD  
11                  PERMITS BEFORE US THAT HAD A HISTORY OF COMPLIANCE  
12                  PROBLEMS THAT AND I HAVE VOTED AGAINST, SOMETIMES  
13                  RELUCTANTLY.   BUT THE CONCERN I'VE HAD WAS THERE  
14                  WAS A NEED TO SEND A MESSAGE TO BOARD STAFF AND  
15                  THE LEA'S AND THE OPERATORS THAT A PERMIT UPDATE  
16                  SHOULD NOT BE VIEWED AS SIMPLY A RUBBER STAMP OF  
17                  EXISTING CONDITIONS, JUST LIKE, OH, YOU TAKE SO  
18                  MANY TONS.   OKAY.   LET'S INCREASE THE NUMBER OF  
19                  TONS.

20                  AND I KNOW THAT THAT HAS NOT BEEN  
21                  UNIVERSALLY THE CASE, AND I DON'T MEAN TO BESMIRCH  
22                  STAFF AND LEA'S THAT THAT'S ALL THEY'VE DONE.   BUT  
23                  SOMETIMES -- A FEW TIMES THERE HAVE BEEN PERMITS  
24                  THAT I FELT THAT THERE REALLY WASN'T PROGRESS ON  
25                  COMPLIANCE THAT WAS BEING DRIVEN BY THE PERMIT

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1 REVIEW.

2 THIS PARTICULAR PERMIT REVIEW,  
3 PARTLY BECAUSE I'M FROM THIS NECK OF THE WOODS,  
4 I'VE BEEN FAIRLY AWARE OF AND HAVE HAD PHONE CALLS  
5 AND DISCUSSIONS WITH PEOPLE FROM THE COUNTY AND  
6 OTHER STATE AGENCIES AND WHATNOT. AND THINGS HAVE  
7 IMPROVED DRAMATICALLY FROM THE FIRST TIME IT CAME  
8 TO MY ATTENTION THAT THERE WAS A VERY SLOW PROCESS  
9 GOING ON, STARTING ABOUT THREE OR FOUR YEARS AGO,  
10 TOWARDS THE COMPLIANCE PROCESS.

11 I BELIEVE THAT THIS LEA HAS GOTTEN  
12 THAT MESSAGE, AND I DON'T KNOW WHETHER IT WAS  
13 DIRECTLY TELEGRAPHED THROUGH OUR STAFF OR EXACTLY  
14 HOW, BUT THERE'S DEFINITELY BEEN AN ACCELERATION  
15 OF THE COMMITMENT TO COMPLIANCE. AND THAT'S  
16 REFLECTED IN THE FACT THAT THERE IS A VERY  
17 SPECIFIC STIPULATED AGREEMENT FOR RESOLUTION OF  
18 THE GAS ISSUE. IT'S NOT AS QUICK, LIKE PAUL, IT'S  
19 NOT AS QUICK AS I'D LIKE TO SEE, PROBABLY NOT AS  
20 QUICK AS THE CITY WOULD LIKE TO SEE, AS ILLUS-  
21 TRATED, I THINK, BY THE COMMENTS BY VICE MAYOR  
22 SHOEMAKER.

23 BUT I DO BELIEVE THAT WE ARE SEEING  
24 PROGRESS IN TERMS OF THE IDEA THAT THE -- THERE'S  
25 A GREATER LINKAGE BEGINNING. I'M NOT SATISFIED

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1           YET IN GENERAL, BUT THERE'S A GREATER LINKAGE  
2           BEING BUILT BETWEEN THE QUESTION OF PERMIT RENEWAL  
3           AND REVIEW AND COMPLIANCE AND TRYING TO DRIVE THAT  
4           COMPLIANCE AND MOVE IT FURTHER DOWN THE ROAD.

5                         WE DO HAVE SPECIFIC DATES. WE DO  
6           HAVE A CONTRACT WHICH THE CITY HAS ENGAGED IN ON  
7           ENGINEERING FOR THE SYSTEM. AND WHILE I THINK  
8           THERE'S CERTAINLY VALID CRITICISM OF THE CITY  
9           HISTORICALLY, I THINK THAT THEY HAVE A VERY CLEAR  
10          PLAN TO RESOLVE THE ENVIRONMENTAL COMPLIANCE  
11          PROBLEMS TO CLOSE THIS LANDFILL, TO DEAL WITH  
12          THEIR WASTE REGIONALLY, AND I WOULD LIKE TO SEE  
13          THE BOARD APPROVE THIS PERMIT.

14                       CHAIRMAN PENNINGTON: ARE YOU --

15                       BOARD MEMBER CHESBRO: I'LL MOVE THAT.

16                       CHAIRMAN PENNINGTON: DO I HAVE A SECOND?

17                       BOARD MEMBER FRAZEE: I'LL SECOND, MR.

18          CHAIRMAN. I HAVE A COMMENT ALSO. I THINK ONE OF  
19          THE THINGS WE NEED TO KEEP IN MIND IN THESE KINDS  
20          OF PERMIT APPLICATIONS IS THAT WE CANNOT HAVE  
21          EVERYTHING 100 PERCENT ENVIRONMENTALLY CORRECT ALL  
22          OF A SUDDEN. THE SCIENCE OF HANDLING SOLID WASTE  
23          IN AN ENVIRONMENTALLY SOUND MANNER IS RELATIVELY  
24          NEW, AND IT WAS NOT TOO LONG AGO THAT THE WASTE  
25          WAS BEING HAULED ON BARGES AND DUMPED IN THE

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1 OCEAN. WE KNOW BETTER THAN THAT.

2 I JUST VISITED A LANDFILL, IN FACT  
3 IT WAS ON OUR PERMIT SCHEDULE THIS MORNING, A  
4 LANDFILL THAT STARTED ON THE SAN FRANCISCO BAY AS  
5 THE RESULT OF TRUCKS BACKING UP TO THE EDGE OF THE  
6 WATER AND DUMPING WASTE IN THE WATER UNTIL IT  
7 REACHED A HEIGHT THAT THEY WERE ABLE TO SET IT ON  
8 FIRE. AND THAT HAS EVOLVED INTO WHAT I BELIEVE  
9 AND WE GRANTED A PERMIT THIS MORNING TO AN  
10 ENVIRONMENTALLY SOUND LANDFILL AND WILL CONTINUE  
11 FOR A FEW MORE YEARS BEFORE IT CLOSES. THAT'S IN  
12 AN AREA WHERE THERE'S A TREMENDOUS WASTE STREAM OF  
13 RESOURCES TO FUND THAT KIND OF AN OPERATION.

14 THESE SMALL COUNTIES -- IN SOUTHERN  
15 CALIFORNIA, EXCUSE ME, WE CALL THEM COW COUNTIES  
16 UP HERE -- HAVE VERY LIMITED RESOURCES. AND TO  
17 TAKE ON THE DEMANDS THAT HAVE COME ABOUT BECAUSE  
18 OF FEDERAL REGULATION, FOR A COUNTY THE SIZE OF  
19 MENDOCINO TO BUILD A SUBTITLE D LANDFILL IS  
BEYOND

20 THEIR RESOURCES. THEY COULD STOP DOING  
EVERYTHING

21 ELSE IF THEY WERE GOING TO DO THAT.

22 SO I THINK THAT WE HAVE TO GIVE  
THEM

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23           TIME AND WORK WITH THEM AND HAVE THE OPPORTUNITY  
24           TO MOVE TOWARDS AN ENVIRONMENTALLY SAFE MEANS OF  
25           DISPOSING OF THE WASTE, AND I THINK GRANTING THIS

1 PERMIT WILL REACH THAT END.

2 THE COMPLAINANTS IN THIS MATTER, AS  
3 I DROVE OUT YESTERDAY, COULD SEE THAT THE  
4 PRINCIPAL REASON FOR COMPLAINING WOULD BE THE  
5 TRAFFIC GENERATED ON THE ROAD. GETTING THIS  
6 LANDFILL CLOSED, I THINK, WILL OVER THE LONG HAUL  
7 WILL RESOLVE THAT PROBLEM. THE TRAFFIC WON'T BE  
8 THERE ANY LONGER, SO I THINK IT'S TO THEIR

BENEFIT

9 ALSO. SO I URGE THE COMMITTEE TO SUPPORT THIS  
10 PERMIT AS PRESENTED TO US.

11 BOARD MEMBER CHESBRO: BOB, MOST OF THE  
12 RESIDENTS OF THE COUNTIES THAT SOUTHERN  
13 CALIFORNIANS WOULD CALL COW COUNTIES WOULDN'T  
TAKE

14 OFFENSE AT THAT, BUT YOU HAVE TO UNDERSTAND IN  
15 MENDOCINO AND HUMBOLDT THERE'S A LOT OF VEGE-  
16 TARIANS.

17 BOARD MEMBER RELIS: ONE FURTHER COMMENT  
18 SINCE IT APPEARS WE'RE HEADED FOR A VOTE ON THIS.  
19 WHAT -- AS I LOOK TO YOUR BUDGET FOR FISCAL YEAR  
20 '96-'97, YOU MADE THE LARGE COMMITMENT, 572,000.  
21 NOW, WE'RE LOOKING AT BRINGING WILLETS LAND  
22 DISPOSAL TO UKIAH UNDER THIS PERMIT. WOULD THERE  
23 BE A REVENUE STREAM FROM THAT THAT WOULD

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ASSUREDLY

24 FINANCE THIS GAS COLLECTION SYSTEM?

25 MR. KENNEDY: IF THIS PERMIT IS  
APPROVED,

1           IT WILL PROVIDE WILLETS AND FORT BRAGG AN OPPOR-  
2           TUNITY TO DISPOSE WASTE AFTER WILLETS CLOSES,  
3           WHICH WILL BE A YEAR FROM NOW.  AND WE ARE GOING  
4           TO -- WE NEED TO CONSTRUCT THE PROJECT IN JULY OF  
5           '97, SO EVENTUALLY, YES, WE'LL HAVE ADDITIONAL  
6           REVENUE, BUT IT'S NOT SOON ENOUGH.

7                       BOARD MEMBER RELIS:  WHAT WOULD BE YOUR  
8           SOURCE OF REVENUE, SINCE YOU OPERATE ON A FISCAL  
9           YEAR, AND WE'RE INTO END OF JULY NOW AND WOULD BE  
10          APPROVING YOUR BUDGET, I ASSUME, IN JUNE, SOMETIME  
11          IN JUNE.

12                      MR. KENNEDY:  THE BUDGET YOU HAVE BEFORE  
13          YOU IS APPROVED.

14                      BOARD MEMBER RELIS:  I UNDERSTAND THAT.  
15          I'M LOOKING AT THE GAS CONTAINMENT SYSTEM.  I AM  
16          ASSUMING -- IT SAYS PENDING PROJECTS NOT FUNDED.  
17          YOU'VE APPROVED '96-'97, SO THAT MONEY IS  
18          AVAILABLE.  AND THAT'S WHAT YOU ARE GOING TO USE  
19          TO DO YOUR LEACHATE POND AND THE OTHER ITEMS  
20          LISTED HERE.

21                      WHAT I'M CONCERNED ABOUT IS THE NOT  
22          FUNDED, TO BE DETERMINED.  AND I WONDERED IF WE  
23          COULD HEAR FROM THE VICE MAYOR OR FROM THE CITY  
24          OFFICIALS OF SOME STATEMENT OF INTENT TO BUDGET  
25          THAT IN THE FISCAL YEAR.  THAT'S AT YOUR

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1 DISCRETION, BUT THAT'S AN IMPORTANT VIOLATION.

2 VICE MAYOR SHOEMAKER: LET ME ADDRESS IT.  
3 THAT LINE ITEM FOR '97-'98 IS FAIRLY EQUIVALENT TO  
4 THE LINE ITEM OF '96-'97 FOR THE LEACHATE SYSTEM.  
5 TALKING ABOUT THE GAS SYSTEM. WE'RE IN A  
6 CONTRACT. PERSONALLY I'M A CONTRACTOR. THAT'S MY  
7 BUSINESS IN TRADE. AND WHEN I SIGN A CONTRACT,  
8 THERE'RE SEVERE PENALTIES IF I DON'T FULFILL MY  
9 CONTRACT. SO THE FACT THAT THAT'S STATED AS A  
10 GOAL, I DON'T KNOW IF THERE'S ANY OTHER  
11 DEPARTMENTS IN OUR CITY THAT HAVE GOALS THAT SOLID  
12 LINED OUT FOR THEMSELVES ALREADY FOR THAT YEAR.

13 BOARD MEMBER RELIS: BUT YOU'RE AN  
14 ENTERPRISE FUND.

15 VICE MAYOR SHOEMAKER: THAT'S CORRECT.

16 BOARD MEMBER RELIS: THAT'S A NON --  
17 DISCRETIONARY WITHIN THE FUND, BUT IT'S NOT A  
18 GENERAL FUND ISSUE.

19 VICE MAYOR SHOEMAKER: THAT'S CORRECT.  
20 AND WE DON'T EXPECT OUR REVENUES TO DECLINE ANY  
21 MORE THAN WHAT DIVERSION RATE WE MAY OCCUR IN THE  
22 NEXT 12-MONTH PERIOD, SO THAT THE SAME FUNDS,  
23 AGAIN, THAT WOULD BE SPENT FOR LEACHATE SYSTEMS  
24 THIS YEAR WOULD BE AVAILABLE UNDER OUR PROPOSED  
25 REVENUE SYSTEM FOR THE NEXT YEAR.

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1 THE NEXT DRIVING FACTOR IS THE  
2 FACTOR THAT WE'RE IN A CONTRACT WITH THE SOLID  
3 WASTE BOARD AND THE LEA. AND THAT IF WE WERE TO  
4 HAVE A SHORTFALL, WE HAVE TO FIND THE MONEY TO  
5 FULFILL OUR OBLIGATIONS UNDER THAT CONTRACT.

6 I THINK JIM MASTIN, WHO WILL BE  
7 TAKING UP A LOT OF SOLID WASTE ISSUES DURING THE  
8 NEXT YEAR, HAS STEPPED UP HERE TO SAY TO YOU THAT  
9 HE WOULD SUPPORT THAT. SHERIFF MALONEY WHO IS NOT  
10 HERE NOW WAS GOING TO SPEAK. HAD TO GO BACK TO  
11 WORK.

12 BOARD MEMBER RELIS: THE REASON I SAY  
13 THIS YOU HAD RAISED IT IN EARLIER HEARING. I MEAN  
14 WE HAVE A RELATIONSHIP WITH LOCAL GOVERNMENT  
15 BETWEEN OUR BOARD AND LOCAL GOVERNMENT THAT'S BOTH  
16 AN ENFORCEMENT ONE AND A STANDARDS ONE, AND IN THE  
17 AREA OF AB 939 WE CALL IT A PARTNERSHIP. AND YOU  
18 HAD INDICATED, I DON'T KNOW IF IT WAS YOU OR  
19 SOMEONE ELSE, ABOUT THE TRUST FACTOR. AND I THINK  
20 THE TRUST FACTOR WAS DAMAGED WITH THE HISTORY OF  
21 COMPLIANCE HERE, AND WHAT PARTLY YOU'RE DEALING  
22 WITH TODAY FROM SOME OF US, AT LEAST, IS THE  
23 FALLOUT FROM THAT.

24 SO I'M TRYING TO REESTABLISH, AT  
25 LEAST IN THIS BOARD MEMBER'S CASE, THE TRUST

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1           FACTOR WITH YOU.   SO IT WOULD BE GOOD FOR THIS  
2           MEMBER, AT LEAST, TO HEAR FROM BOTH YOU AND THE --  
3           YOUR SUCCESSORS THAT YOU INTEND TO BUDGET THIS  
4           ITEM.   I CAN'T HOLD YOU TO THAT.   THAT WILL BE  
5           PART OF YOUR STIP AND YOUR OTHER ACTIVITIES, BUT  
6           I'D SURE LIKE TO HEAR IT FROM THE COUNCIL.

7                   VICE MAYOR SHOEMAKER:   FROM MY PART, I  
8           WILL HAVE TO SAY I WILL NOT BE PART OF THE 1997-98  
9           BUDGET PROCESS FOR THE CITY.   I'LL BE A COUNTY  
10          SUPERVISOR, BUT I WILL BE DOING THE BUDGET FOR THE  
11          LEA.   SO I'LL LET MR. MASTIN ADDRESS THE CITY'S  
12          BUDGET.

13                   LET ME TELL YOU IF I STAND BEFORE  
14          YOU IN MY OWN COMMUNITY AND TELL YOU THAT I THINK  
15          THIS PROGRAM IS NECESSARY AND NEEDS TO GO FORWARD,  
16          THEY'LL GRILL ME HERE IN TOWN, AND I WON'T BE  
17          BACK.   AND YOU CAN TAKE IT AS A CHILD/PARENT  
18          RELATIONSHIP WHERE THE TRUST HAS BEEN VIOLATED.  
19          AS A PARENT, YOU WATCH YOUR KID VERY CAREFULLY,  
20          BUT YOU DON'T NOT TRUST THEM ANYMORE.   YOU SAY,  
21          OKAY, WELL, HERE'S THE PARAMETERS OF PERFORMANCE  
22          YOU HAVE TO DO.   AND IN OUR CASE, BEING CONTRACTS  
23          AND ADMISSIONS BY STAFF AND SO FORTH, TO SOME  
24          DEGREE THAT'S A REVERSE TRUST.   WE'RE STANDING  
25          BEFORE YOU SAYING TRUST US.   YOU CAN SAY FORGET IT

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1 OR YOU CAN SAY, "OKAY. WE'VE SEEN THE CHANGE, AND  
2 YOU ARE REPENTING," BACK TO THAT LINE.

3 MR. MASTIN: I STATED EARLIER THAT WHILE  
4 I'M ON THE CITY COUNCIL, THAT WE WILL -- THE CITY  
5 WILL BE DILIGENT IN REMEDIATING ANY PROBLEMS. AND  
6 TO ME THIS IS DEFINITELY ONE OF THOSE AREAS, AND I  
7 HAVE EVERY INTENTION OF SEEING THAT IT DOES STAY  
8 IN THE BUDGET FOR THE '97-'98 YEAR.

9 BOARD MEMBER RELIS: YOU MEAN THE GAS  
10 SYSTEM SPECIFICALLY?

11 MR. MASTIN: YES, SPECIFICALLY.

12 BOARD MEMBER RELIS: THANK YOU.

13 CHAIRMAN PENNINGTON: WE HAVE A MOTION  
14 BEFORE US.

15 BOARD MEMBER CHESBRO: TO BLESS THE  
16 LANDFILL.

17 CHAIRMAN PENNINGTON: RIGHT, TO BLESS THE  
18 LANDFILL. MOTION WAS MADE BY MR. CHESBRO,  
19 SECONDED BY MR. FRAZEE. IF THERE'S NO FURTHER  
20 DISCUSSION, WILL SECRETARY CALL THE ROLL.

21 BOARD SECRETARY: BOARD MEMBER CHESBRO.

22 BOARD MEMBER CHESBRO: AYE.

23 BOARD SECRETARY: FRAZEE.

24 BOARD MEMBER FRAZEE:

AYE.

25 BOARD SECRETARY: GOTCH.

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1 BOARD MEMBER GOTCH: AYE.

2 BOARD SECRETARY: RELIS.

3 BOARD MEMBER RELIS: AYE.

4 BOARD SECRETARY: CHAIRMAN PENNINGTON.

5 CHAIRMAN PENNINGTON: AYE. MOTION

6 CARRIES.

7 OKAY. MOVING ON TO 18 A,

8 CONSIDERATION OF STATE LEGISLATION, AB 6. OKAY.

9 AM I GOING TO SKIP 17? OKAY. ALL YOU FOLKS THAT

10 CAME TO TALK ABOUT 17. OKAY. CONSIDERATION OF

11 THE ADOPTION OF THE NEGATIVE DECLARATION AND THE

12 PROPOSED REGULATIONS FOR THE TRANSFER OPERATION.

13 MR. DIER. BEATRICE.

14 MS. POROLI: GOOD AFTERNOON. GOOD

15 AFTERNOON. MY NAME IS BEATRICE POROLI WITH THE

16 PERMITS BRANCH. GOOD AFTERNOON. MY NAME IS

17 BEATRICE POROLI. I'M WITH THE PERMITS BRANCH.

18 THE REGULATIONS BEFORE YOU WERE

19 DEVELOPED AS A RESULT OF AB 59. AB 59 REQUIRES

20 LEA'S TO ISSUE CEASE AND DESIST ORDERS TO

21 FACILITIES THAT ARE OPERATING WITHOUT A PERMIT

22 PRIOR TO OCTOBER 16, 1996. A SURVEY OF LEA'S TO

23 DETERMINE WHICH FACILITIES WERE AT THE GREATEST

24 RISK OF CLOSURE DUE TO AB 59 INDICATED SEVERAL

25 SMALL VOLUME TRANSFER OPERATIONS.

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1                   AT THE BOARD'S MARCH 1996 MEETING,  
2                   THE BOARD DIRECTED STAFF TO ACCELERATE THE  
3                   DEVELOPMENT OF THE REGULATIONS FOR TRANSFER  
4                   STATIONS WHERE NO PROCESSING OF WASTE OCCURRED.

5                   STAFF CONDUCTED ONE PUBLIC WORKSHOP  
6                   IN SACRAMENTO TO SOLICIT INPUT ON THE DRAFT  
7                   REGULATIONS. AT THE MAY 10TH PERMITTING AND  
8                   ENFORCEMENT COMMITTEE MEETING, THE COMMITTEE  
9                   APPROVED THE REGULATIONS FOR SUBMITTAL TO THE  
10                  OFFICE OF ADMINISTRATIVE LAW FOR FORMAL PUBLIC  
11                  NOTICE.

12                  THE CONTENTS OF THE REGULATION  
13                  PACKAGE THAT WAS FILED WITH THE OFFICE OF ADMINIS-  
14                  TRATIVE LAW INCLUDED FOUR TYPES. THERE WAS  
15                  EXCLUSION, SEALED CONTAINER TRANSFER OPERATIONS,  
16                  WHICH WOULD BE IN THE NOTIFICATION; OPERATIONS  
17                  THAT RECEIVE ZERO TO 60 CUBIC YARDS PER DAY AND  
18                  REFER TO THE SMALL VOLUME TRANSFER OPERATIONS, AND  
19                  THOSE WERE IN THE NOTIFICATION; FACILITIES THAT  
20                  RECEIVE MORE THAN 60 CUBIC YARDS, BUT LESS THAN  
21                  200, AND THEY WERE REFERRED TO AS THE MEDIUM  
22                  VOLUME TRANSFER FACILITIES AND WERE PLACED IN THE  
23                  REGISTRATION TIER; AND FACILITIES THAT RECEIVE  
24                  MORE THAN 200 CUBIC YARDS PER DAY, AND THOSE WERE  
25                  REFERRED TO AS A LARGE VOLUME TRANSFER FACILITY,

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1           AND THOSE WERE PLACED IN THE STANDARDIZED TIER.

2                       ALSO AT THE MAY 10TH PERMITTING AND  
3           ENFORCEMENT COMMITTEE MEETING, SOUTHERN CALIFORNIA  
4           LEA'S RAISED CONCERNS THAT THE REGULATIONS AS  
5           PROPOSED DID NOT ALLOW FOR FLEXIBILITY TO  
6           STIPULATE CONDITIONS FOR VERY LARGE VOLUME  
7           FACILITIES IN THEIR JURISDICTION.

8                       THE COMMITTEE DIRECTED STAFF TO MEET  
9           WITH THE LEA'S FROM SOUTHERN CALIFORNIA TO ADDRESS  
10          THEIR CONCERNS RAISED DURING THE MAY 10TH PER-  
11          MITTING AND ENFORCEMENT COMMITTEE MEETING.

12                      BASED ON THE COMMENTS RECEIVED AND  
13          THE RESOLUTION ADOPTED BY THE ENFORCEMENT ADVISORY  
14          COUNCIL, STAFF RECOMMENDED TO THE PERMITTING AND  
15          ENFORCEMENT COMMITTEE AT THE JULY 10TH MEETING TO  
16          REDUCE THE SCOPE OF THE PACKAGE TO ONLY INCLUDE  
17          THE SMALL VOLUME TRANSFER OPERATIONS, WHICH ARE  
18          THE ZERO TO 60 CUBIC YARDS, AND THE SEALED  
19          CONTAINER TRANSFER OPERATIONS. BOTH OF THESE WILL  
20          BE PLACED IN THE NOTIFICATION TIER, AND ALSO TO GO  
21          OUT FOR A 15-DAY COMMENT PERIOD.

22                      THE SMALL VOLUME TRANSFER OPERATIONS  
23          HAVE BEEN RENAMED TO LIMITED VOLUME TRANSFER  
24          OPERATIONS. THE REDUCTION IN THE SCOPE OF THE  
25          REGULATION PACKAGE WILL ADDRESS THOSE SMALL

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1           TRANSFER OPERATIONS THAT THE LEA'S IDENTIFIED AS  
2           BEING IN THE GREATEST RISK DUE TO CLOSURE OF --  
3           RISK OF CLOSURE DUE TO AB 59.

4                         THE FACILITIES THAT RECEIVE MORE  
5           THAN 60 CUBIC YARDS WILL BE ADDRESSED IN THE  
6           FUTURE RULEMAKING PACKAGE WITH THE SLOTTING OF  
THE  
7           MATERIAL RECOVERY FACILITY.   MANY OF THE COMMENTS  
8           RECEIVED DURING THE 45-DAY COMMENT PERIOD WERE  
9           ADDRESSED BY REDUCING THE SCOPE OF THE REGULATION  
10          PACKAGE TO ONLY THE LIMITED AND THE SEALED  
11          CONTAINER.

12                        THE FOLLOWING IS A SUMMARY OF THE  
13          COMMENTS RECEIVED DURING THE 15-DAY COMMENT  
14          PERIOD.   COMMENTS FALL INTO THREE BROAD  
15          CATEGORIES.   ONE, SOME OF THE INTERESTED PARTIES  
16          COMMENTED ON SECTIONS OF THE REGULATIONS THAT  
WERE

17          NOTICED DURING THE 45-DAY COMMENT PERIOD AND NOT  
18          ON THE NEW CHANGES THAT WERE DONE.   STAFF INTENDS  
19          TO RESPOND TO THESE IN THE FINAL STATEMENT OF  
20          REASON.

21                         SOME OF THE COMMENTS WERE RE-  
22          SUBMITTED FROM THE 45-DAY COMMENT PERIOD, AND  
23          THOSE WOULD INCLUDE COMMENTS REGARDING THE

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CONCERN

24                   OF THE PLACEMENT OF THE SEALED CONTAINER TRANSFER  
25                   OPERATIONS.   THERE WERE ALSO SEVERAL COMMENTS  
THAT



1 SUPPORTED THE SEALED CONTAINER TRANSFER OPERATION  
2 BEING SLOTTED IN THE NOTIFICATION.

3 BASED ON THE REVIEW OF THE COMMENTS  
4 RECEIVED, STAFF RECOMMEND THE BOARD ADOPT  
5 RESOLUTION NO. 96-328, ADOPTING THE NEGATIVE  
6 DECLARATION, AND ADOPT RESOLUTION NO. 96-329,  
7 ADOPTING THE PROPOSED REGULATIONS.

8 THIS CONCLUDES STAFF'S PRESENTATION.

9 CHAIRMAN PENNINGTON: THANK YOU. ANY  
10 QUESTIONS OF STAFF?

11 BOARD MEMBER FRAZEE: MR. CHAIRMAN, THE  
12 ITEM -- MAJOR ITEM OF CONTROVERSY REMAINS ON THIS,  
13 AND I ASSUME WE'RE GOING TO HEAR FROM A NUMBER OF  
14 PEOPLE ON IT, IS THE TREATMENT OF SO-CALLED SEALED  
15 CONTAINERS. AND AS I RECALL OUR MEETING, THERE  
16 WAS DISCUSSION OF THE DEFINITION OF A SEALED  
17 CONTAINER. THE ORIGINAL WORDS WERE AIRTIGHT, AND  
18 THEN WE WENT TO LIQUID-TIGHT, AND I'M NOT FINDING  
19 THAT NOW.

20 CHAIRMAN PENNINGTON: I FIND WHERE IT  
21 SAYS LIQUID-TIGHT.

22 MS. POROLI: PAGE 113.

23 BOARD MEMBER FRAZEE: OKAY.

24 MS. POROLI: LINE 19.

25 BOARD MEMBER FRAZEE: SAYS LIQUID-TIGHT.

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1                   CHAIRMAN PENNINGTON:   SAYS SEALED  
2                   CONTAINERS TRANSFER OPERATIONS.   SAYS  
3                   LIQUID-TIGHT.

4                   BOARD MEMBER FRAZEE:   WAS STAFF NOT GOING  
5                   TO WORK ON FURTHER DEFINITION OF WHAT LIQUID-TIGHT  
6                   MEANS?

7                   MS. POROLI:   YES.   LINE 8.

8                   BOARD MEMBER FRAZEE:   LINE 8 ON THAT.  
9                   OKAY.   LIQUID-TIGHT CONTAINER MEANS A CONTAINER  
10                  WHICH PREVENTS LIQUID FROM INFILTRATING INTO OR  
11                  LEAKING OUT OF THE CONTAINER.

12                  AND I GUESS THE CONCERN GOES BEYOND  
13                  THAT BECAUSE THAT MAY BE THE CASE WHEN A CONTAINER  
14                  IS IN ONE POSITION; BUT WHEN IT'S TURNED  
15                  VERTICALLY, THEN THAT MAY NOT BE THE CASE.   AND I  
16                  THINK THAT'S PART OF THE DISCUSSION THAT WE'RE  
17                  GETTING INTO WITH SEVERAL INTERESTED PARTIES IN  
18                  THIS IS WHAT CONSTITUTES LIQUID-TIGHT FROM THAT  
19                  DEFINITION.

20                  DID WE DO ANY MORE ON THAT, OR IS  
21                  THAT WHERE WE ARE RIGHT NOW?

22                  MR. DIER:   MR. FRAZEE, WE DISCUSSED  
23                  SEVERAL WAYS OF APPROACHING THIS DEFINITION.   AND  
24                  IT WAS FELT THAT THIS LIMITATION THAT WE PROPOSED  
25                  IN THIS SET OF REGULATIONS PRETTY MUCH MET WHAT WE

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1           THOUGHT WAS THE INTENT IN COMMITTEE. TO GO BEYOND  
2           THAT, I THINK, TO PROVIDE A DEFINITION WHICH WOULD  
3           PROVIDE LIQUID-TIGHT CONTAINER REGARDLESS OF WHAT  
4           POSITION IT MIGHT BE IN, IF IT'S TIPPED OVER,  
5           TURNED UPSIDE DOWN, OR WHATEVER, I'M NOT SURE  
6           THERE'S A CONTAINER BUILT THAT WOULD MEET THAT  
7           KIND OF CRITERIA. SO IT WAS OUR UNDERSTANDING  
8           THAT THAT WASN'T THE INTENT OF THE DIRECTION FROM  
9           COMMITTEE TO MAKE IT THAT TIGHT OF A DEFINITION.

10                   BOARD MEMBER FRAZEE: WE'RE GOING TO BE  
11           HEARING FROM ALL THESE PEOPLE, BUT PERHAPS TO SET  
12           THE GROUND A LITTLE BIT HERE, THERE IS THE  
13           CONTENTION THAT A DROP BOX WITH A TARP OVER IT CAN  
14           BE LIQUID-TIGHT VERSUS ONE WHICH IS TOTALLY  
15           ENCLOSED IN METAL, AND THAT WAS PART OF THE  
16           PROBLEM THAT CAME UP. SO PERHAPS WE MIGHT HEAR  
17           FROM THE PARTIES AND THAT WILL GET US --

18                   MR. DIER: I'M SURE YOU WILL HEAR FROM  
19           THE PARTIES. AND JUST SO WE CAN GET STAFF'S  
20           POSITION ON THE RECORD BEFORE THAT, IT WOULD BE  
21           STAFF'S FEELING THAT JUST A CONTAINER WITH A TARP  
22           OVER IT WOULD NOT MEET OUR INTENT OF WHAT A

SEALED

23           CONTAINER AND A LIQUID-TIGHT CONTAINER WOULD BE.

24                   BOARD MEMBER CHESBRO: INTENT, BUT WHAT  
25           ABOUT THE DEFINITION? I GUESS THAT'S WHAT -- I

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1           MEAN IS IT CLEARLY --

2                   MR. DIER:   WHAT WE WERE PROPOSING TO DO,  
3           WITH THE UNDERSTANDING FROM THE DISCUSSION TODAY  
4           AND THE DIRECTION OF THE BOARD, THERE ARE A COUPLE  
5           OF ALTERNATIVES IF YOU WANTED US TO GO BACK OUT  
6           AND TIGHTEN UP THE DEFINITION FOR A FURTHER 15-DAY  
7           NOTICE AND BRING IT BACK TO YOU, BUT WHAT WE HAD  
8           PLANNED TO DO WAS TO ADDRESS THIS IN FINAL  
9           STATEMENT OF REASONS.   WE'D CLEARLY OUTLINE THE  
10          PARAMETERS AND THE INTENTION FOR FUTURE INTER-  
11          PRETATION WHEN THIS DOES BECOME AN ENFORCEMENT  
12          ISSUE IN THE FIELD.

13                   BOARD MEMBER FRAZEE:   IN FACT, THE NORMAL  
14          DROP BOX, EVEN IN ITS REGULAR POSITION, IS NOT  
15          WATERTIGHT OR NOT LIQUID-TIGHT IS THEIR DEFINI-  
16          TION.   YOU COULDN'T FILL ONE UP WITH WATER AND  
17          HAVE IT STAY IN.

18                   MR. DIER:   IF YOU COULD, IT MIGHT MEET --  
19          WE PROVIDED A FRAMEWORK THAT, IF A PIECE OF  
20          EQUIPMENT MEETS IT, THEY CAN TAKE ADVANTAGE OF  
21          THIS PROVISION.   IF A PIECE OF EQUIPMENT OR  
22          TECHNOLOGY CAN'T MEET IT, THEN THEY CAN'T, THEN  
23          THEY DON'T TAKE ADVANTAGE OF IT.

24                   MR. BLOCK:   IF I MAY JUMP IN AS WELL.  
25          THE OTHER PART OF THE DEFINITION OF SEALED

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1           CONTAINER OR TRANSFER OPERATION INDICATES UNOPENED  
2           CONTAINERS. THE IDEA BEING THAT THESE CONTAINERS  
3           ARE GOING TO HAVE TO STAY UNOPENED THE ENTIRE TIME  
4           THEY'RE ON THE SITE THAT YOU ARE TALKING ABOUT.

5                        SO WHILE IT IS POSSIBLE THAT ANY  
6           NUMBER OF COMBINATIONS MIGHT BE DEVELOPED TO FIT  
7           THIS DEFINITION, WHAT THE REGULATIONS FOCUS ON IS  
8           THE FACT THAT WHATEVER MECHANISM, WHATEVER SEALED  
9           CONTAINER IS THOUGHT UP, IF IT IS A SEALED  
10          CONTAINER THAT'S LIQUID-TIGHT AND STAYS UNOPENED  
11          ON THE SITE. IF THEY'RE OPENING AND CLOSING IT,  
12          IF IT'S A -- SOME SORT OF TARP MECHANISM THAT  
13          CANNOT STAY CLOSED BECAUSE OF THE NATURE OF THE  
14          TOP, THEN IT'S NOT MEET THIS DEFINITION.

15                      BOARD MEMBER FRAZEE: SO WE'RE MAKING A  
16          CLEAR DEFINITION.

17                      BOARD MEMBER RELIS: MR. CHAIR, ON THIS  
18          POINT THAT MR. FRAZEE HAS RAISED, I NOTE IN THE  
19          LETTER I RECEIVED FROM KENT STODDARD OF WMX THAT  
20          THERE IS A SEALED CONTAINER ASME RATING -- I  
DON'T

21          KNOW ANYTHING ABOUT IT -- FOR WELDED  
CONSTRUCTION.

22          AND IT DOES HAVE -- AND IT REFERS TO A CLASS I  
23          SEAL.

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24 I 'M WONDERING IS THERE -- DOES THE  
25 STAFF KNOW OF A RATING SYSTEM, OR IS THERE A

1 NATIONAL -- THIS LOOKS LIKE SOME SORT OF NATIONAL  
2 STANDARD FOR A TYPE OF SEALED CONTAINER WHERE  
3 IT'S -- THE REFERENCE IS TO WELDED AND SEALED.

4 MR. DIER: IF THE REFERENCE IS TO ASTM,  
5 IT WOULD BE A NATIONAL STANDARD, BUT I'M NOT AWARE  
6 OF IT. I'M NOT FAMILIAR WITH IT. BE HAPPY TO  
7 LOOK INTO IT IF YOU LIKE, BUT I'M NOT FAMILIAR  
8 WITH IT.

9 BOARD MEMBER CHESBRO: I GUESS THE FLIP  
10 SIDE TO THIS CONCERN, AND I SHARE IT, IS TO ALSO  
11 MAKE SURE THAT IT'S NOT SO NARROWLY DEFINED THAT  
12 ONLY ONE PROPRIETARY TECHNOLOGY COULD QUALIFY, YOU  
13 KNOW. SO YOU GOT TO FIND A BALANCE BETWEEN NOT  
14 HAVING IT NOT RESTRICTIVE ENOUGH VERSUS HAVING IT  
15 OVERLY RESTRICTED. WHETHER IT'S IN THE STATEMENT  
16 OF REASONS OR THE REGS, I THINK THAT WOULD BE  
17 PROBABLY WHAT WE'D BE SEEKING.

18 BOARD MEMBER FRAZEE: ONE OTHER THOUGHT  
19 CAME TO MIND TO PERHAPS HELP OUR DISCUSSION HERE  
20 TOO. SINCE WE HAVE THIS ITEM BEFORE THE  
21 COMMITTEE, SOLID WASTE CONTAINERS FROM TIME TO  
22 TIME NEED CLEANING, STEAM CLEANING AND THAT SORT  
23 OF THING. SO IF YOU LOOK AT ONE OF THESE SEALED  
24 CONTAINERS ON A SITE WHERE IT IS IN THE NOTIFI-  
25 CATION TIER, I DON'T THINK ANYONE WOULD WANT TO

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1 HAVE THAT BE THE SITE WHERE THESE CONTAINERS ARE  
2 OPENED AND STEAM CLEANED AND THAT MATERIAL RUNS  
3 DOWN THE STREET OR IN THE DRAIN.

4 THERE ARE PEOPLE FROM MY OWN AREA  
5 HERE, AND THERE'S ONE OF THESE FACILITIES THAT'S  
6 JUST A BLOCK FROM WHERE I SPENT 20 YEARS IN  
7 BUSINESS. AND SO I'M A LITTLE BIT SENSITIVE TO  
8 IT. AND THE OPERATION AS IT IS NOW IS CERTAINLY  
9 VERY CLEAN, BUT MAYBE THEY DO OPEN THEM AND CLEAN  
10 THEM THERE, BUT THAT QUESTION OF WHETHER THEY'RE  
11 OPENED OR NOT ON THAT SITE.

12 CHAIRMAN PENNINGTON: OKAY. FIRST IS  
13 KENT STODDARD.

14 MR. STODDARD: MR. CHAIRMAN, MEMBERS OF  
15 THE BOARD, KENT STODDARD REPRESENTING WASTE  
16 MANAGEMENT, INC. AND WMX TECHNOLOGIES. IF I  
17 COULD, MAYBE I CAN START WITH A COUPLE --  
18 RESPONDING TO A COUPLE OF ISSUES THAT WERE RAISED  
19 BY YOU, MR. FRAZEE.

20 RELATING TO TRUCK WASHING, YES,  
21 THESE CONTAINERS ARE CLEANED OUT. WE DO AT THE  
22 SAME FACILITY WHERE WE WASH OUR COLLECTION  
23 VEHICLES. ENTIRELY ENCLOSED CONTAINER, CAPTURE  
24 THE RUNOFF AT THOSE FACILITIES. WE DO NOT  
25 NECESSARILY DO THIS AT AN EXCHANGE LOCATION FOR

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1           THIS TYPE OF SYSTEM UNLESS THAT HAPPENED TO BE OUR  
2           HAULING OPERATION, AS IT IS IN FORT BRAGG.  
3           GENERALLY, THIS WOULD BE DONE AS PART OF OUR  
4           NORMAL HAULING OPERATION.

5                       ON THE ISSUE OF MORE CLARITY OR  
6           DEFINITION ON THE STANDARD OF WHAT A SEALED  
7           CONTAINER IS, OBVIOUSLY WE'RE FINE WITH THAT. WE  
8           HAVE A SYSTEM IN PLACE. WE'RE NOT LOOKING FOR A  
9           PROPRIETARY EDGE, SO WE HAVE NO PROBLEM WITH  
10          HAVING A BROADER DEFINITION.

11                      AND WE THOUGHT MAYBE THE BEST WAY TO  
12          DEAL WITH THAT WOULD BE LEAVE THE REGULATIONS IN  
13          THEIR CURRENT FORM, BUT SUPPLEMENT THAT WITH  
14          EITHER AN LEA ADVISORY OR, AS STAFF HAS  
15          RECOMMENDED, THROUGH A MORE THOROUGH DISCUSSION IN  
16          THE STATEMENT OF REASONS. WE DO THINK THERE'S  
17          SOME STANDARDS THAT COULD BE DRAWN UPON. ONE IS  
18          IS THE CONTAINER RATED WATERTIGHT BY THE  
19          MANUFACTURER. THAT WOULD BE ONE POSSIBLE  
20          CRITERIA.

21                      ANOTHER ONE IS DOES IT MEET THE  
22          AMERICAN SOCIETY OF MECHANICAL ENGINEERS RATING  
23          SYSTEM FOR CONSTRUCTION WELDING, WHICH IS ALSO A  
24          MORE DETAILED REQUIREMENT.

25                      THEN THERE'S ALSO THIS LITTLE MORE

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1           INNOCUOUS, LITTLE CLEAR ISSUE OF CLASS I SEAL. WE  
2           UNDERSTAND THERE IS A GENERAL ENGINEERING STANDARD  
3           FOR A SEAL, A RATING SYSTEM FOR SEALS, CLASS I AND  
4           CLASS II. SO THAT'S SOMETHING THE STAFF COULD  
5           LOOK AT AS WELL.

6                       OUR SENSE AT THIS POINT IS WE'RE  
7           REALLY ANXIOUS TO SEE THESE REGULATIONS ADOPTED AS  
8           WE GET REALLY CLOSE TO THIS OCTOBER 16TH DEADLINE.  
9           WE'RE NERVOUS THAT WE NEED TO MAKE THAT DEADLINE.  
10          WE'VE HAD THESE OPERATIONS IN PLACE NOW IN  
11          CALIFORNIA FOR SIX YEARS.

12                     JUST A LITTLE BIT OF HISTORY. WHEN  
13          WE STARTED OUT BACK IN 1990, IT WAS THE BOARD'S  
14          DETERMINATION THAT THIS SYSTEM WAS EXEMPT FROM  
15          REGULATION AS A TRANSFER OR AS A PROCESSING  
16          STATION. BUT THEY WERE CONCERNED AND ASKED AND WE  
17          VOLUNTARILY AGREED TO GO THROUGH A NOTICE  
18          PROVISION, TO AGREE TO COMPLY WITH MINIMUM  
19          STANDARDS, TO AGREE TO LEA INSPECTIONS, TO PROVIDE  
20          PERIODIC REPORTS ON HOW THIS SYSTEM IS HOLDING UP.  
21          SO FOR THE PAST SIX YEARS THAT'S EXACTLY WHAT  
22          WE'VE DONE. WE'VE PROVIDED THAT INFORMATION. THE  
23          RESULTS HAVE BEEN TERRIFIC. WE HAVE NOT HAD A  
24          SIGNIFICANT PROBLEM RELATING TO LEAKAGE,  
ODORS,  
25          NUISANCES OF ANY KIND.

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1                   AND THERE'S A NUMBER OF LOCAL  
2                   OFFICIALS HERE TODAY THAT WILL CONFIRM THAT WE  
3                   HAVE AN EXCELLENT OPERATING RECORD WITH THESE  
4                   FACILITIES.

5                   WE DO NOTE -- I GUESS -- BACK UP.  
6                   THE REGULATIONS, IN OUR VIEW, PROVIDE FOR A  
7                   CONTINUATION OF WHAT THE CURRENT PROCESS IS. ONE  
8                   THAT'S OPERATED PERHAPS MORE INFORMALLY BY US  
9                   VOLUNTARILY AGREEING TO COMPLY WITH THESE VARIOUS  
10                  STANDARDS, BUT BASICALLY THE SYSTEM THAT WOULD BE  
11                  IN PLACE AFTER THE ADOPTION OF THESE REGULATIONS  
12                  IS VIRTUALLY IDENTICAL TO THE SYSTEM THAT'S  
13                  EVOLVED OVER THE LAST SIX YEARS, AND ONE THAT WE  
14                  THINK HAS BEEN VERY SUCCESSFUL.

15                  SO WE BELIEVE THAT THE REQUIREMENTS  
16                  ARE APPROPRIATE GIVEN THE TRACK RECORD OF THIS  
17                  PARTICULAR SYSTEM. AND AGAIN, WE'RE ANXIOUS TO  
18                  SEE THESE REGULATIONS ADOPTED.

19                  WE KNOW THERE'S SOME CONCERNS.  
20                  FRANKLY, WE THINK THOSE ARE MOTIVATED MORE BY  
21                  COMPETITIVE INTERESTS THAN BY SUBSTANTIVE CONCERNS  
22                  ABOUT THE REGULATIONS. I'D ASK THE BOARD TO  
23                  CONSIDER THREE THINGS. FIRST, THIS IS A  
24                  CONTINUATION OF A SYSTEM WE'VE ALREADY HAD IN  
25                  PLACE. TO A LARGE EXTENT, THESE REGULATIONS HAVE

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1           BEEN PRETESTED. WE KNOW THAT THEY WORK. AND  
2           THEY'VE WORKED VERY SUCCESSFULLY FOR SIX YEARS.

3                       AS I MENTIONED, THERE HAVE NOT BEEN  
4           DOCUMENTED PROBLEMS WITH THIS SYSTEM IN ANY OF THE  
5           LOCATIONS WHERE IT'S BEEN OPERATED. THAT INCLUDES  
6           DANVILLE, FORT BRAGG, OCEANSIDE, AND EL CAJON.  
7           WE'VE ALSO USED THE SYSTEM FOR HAZARDOUS WASTE  
8           COLLECTION AT SEVERAL BAY AREA REFINERIES, ALSO  
9           WITHOUT ANY PROBLEMS OR ANY INCIDENT.

10                      THE LAST POINT I'D MAKE IS THAT  
11           THESE REGULATIONS NEED TO BE VIEWED AS THE  
12           REGULATORY FLOOR, NOT THE CEILING. IN EFFECT,  
13           WHAT WE FOUND IN THREE OF THE FOUR COMMUNITIES  
14           WHERE WE'VE OPERATED THIS TYPE OF SYSTEM, THE  
15           LOCAL GOVERNMENT HAS REQUIRED A CONDITIONAL USE  
16           PERMIT AND FULL CEQA COMPLIANCE. SO THERE HAS  
17           BEEN VERY CLOSE SCRUTINY ON THE PART OF LOCAL  
18           OFFICIALS LOOKING AT THE OPERATIONS OF THESE  
19           FACILITIES AND MANY CASES CHOOSING TO IMPOSE  
20           ADDITIONAL REGULATIONS, ADDITIONAL REPORTING  
21           REQUIREMENTS.

22                      I THINK OCEANSIDE INDICATED THAT  
23           THERE WERE 74 CONDITIONS IN OUR CONDITIONAL USE  
24           PERMIT FOR THE SYSTEM THAT WE OPERATE THERE. SO  
25           WE THINK THERE ARE A LOT OF AREAS THAT LOCAL

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1           GOVERNMENTS HAVE SHOWN TREMENDOUS INITIATIVE IN  
2           TRYING TO MAKE SURE THAT THE NUISANCE ISSUES  
3           ASSOCIATED WITH THIS TYPE OF CONTAINER.

4                       SO WE, FRANKLY, FEEL THAT THE  
5           CONCERN THAT THIS IS SOME KIND OF OPEN UP THE  
6           FLOODGATE FOR INAPPROPRIATE FACILITIES IS NOT AT  
7           ALL REFLECTIVE OF THE PAST EXPERIENCE WITH THIS  
8           SYSTEM. AND IN PARTICULAR, THE COMBINATION OF  
9           PRIOR NOTIFICATION AND INSPECTIONS BY THE LOCAL  
10          ENFORCEMENT AGENCIES, COMPLIANCE WITH MINIMUM  
11          STANDARDS, LOCAL LAND USE CONTROLS BASICALLY ALL  
12          WORK TOGETHER TO PROVIDE AN ADEQUATE MARGIN OF  
13          SAFETY TO ENSURE THAT NO LOW TECH OR MARGINAL  
14          OPERATION IS SOMEHOW GOING TO SQUEAK THROUGH THIS  
15          TIER IN THE PERMITTING SYSTEM.

16                      SO WE WOULD URGE THE BOARD TO  
17          APPROVE THE REGULATIONS. AND IF YOU FEEL THAT ANY  
18          ADDITIONAL DETAIL IS NEEDED TO, AT LEAST ON THE  
19          DEFINITIONAL SIDE, TO TRY TO DEAL WITH THAT OR  
20          OTHER MECHANISMS SO THAT THE REGULATIONS CAN, IN  
21          FACT, ADOPTED EXPEDITIOUSLY.

22                      CHAIRMAN PENNINGTON:   QUESTIONS?

23                      BOARD MEMBER CHESBRO:   I THINK THE  
24          CONCERN IS NOT WITH THE EXISTING HISTORY AND  
25          EQUIPMENT THAT'S HERE. BUT AS A FORMER BOARD

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1 MEMBER USED TO REFER TO THE LAZY ACRES  
2 INCORPORATED SCENARIO, WHICH IS SORT OF THE  
3 WORST-CASE SCENARIO, I CALL IT SHADY ACRES. YOU  
4 KNOW, I MEAN THE IDEA THAT SOMEBODY -- YOU HAVE  
TO  
5 LOOK AT REGS FROM THE STANDPOINT OF SOMEBODY WHO  
6 REALLY WANTED TO TAKE ADVANTAGE OF THEM AND LOOK  
7 AT THEM AND IMAGINE THE WORST-CASE AND JUST TRY  
TO  
8 MAKE SURE YOU PLUG THE HOLES AND AT THE SAME TIME  
9 DON'T ELIMINATE THE FLEXIBILITY YOU ARE TRYING TO  
10 CREATE.

11 SO I THINK THAT'S WHAT THE CONCERN  
12 WAS ABOUT.

13 MR. STODDARD: I THINK THAT'S A VALID  
14 CONCERN. I JUST POINT TO THE FACT THAT THIS IS A  
15 CASE WHERE BOTH THE STATE AND LOCAL AGENCIES HAVE  
16 EXERCISED INCREDIBLE DILIGENCE ON THIS ISSUE. WE  
17 STARTED WITH A SYSTEM THAT WAS COMPLETELY EXEMPT,  
18 ACKNOWLEDGED BY THE STATE, ACKNOWLEDGED BY US,  
AND  
19 YET THE STAFF CONVINCED US THAT WE SHOULD GO  
20 BEYOND THE REGULATORY REQUIREMENTS AND GET INTO  
21 THIS BASICALLY NOTIFICATION TYPE OF PROCESS.

22 WE SEE THE SAME TYPE OF THING AT

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THE

23           LOCAL LEVEL, SO IF WE'RE GOING TO DRAW ON ANY  
24           EXPERIENCE AT THIS POINT, I'D SAY THAT EXPERIENCE  
25           SHOWS US THAT BOTH STATE AND LOCAL AGENCIES ARE

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1 EXTREMELY CONSCIENTIOUS WHEN IT COMES TO THE USE  
2 OF THESE TYPE OF CONTAINERS.

3 CHAIRMAN PENNINGTON: THANK YOU. NEXT  
WE

4 HAVE MAYOR DICK LYON OF OCEANSIDE.

5 MAYOR LYON: GOOD AFTERNOON, MR. CHAIR-  
6 MAN, MEMBERS OF THE BOARD. MY NAME IS DICK LYON,  
7 MAYOR OF THE CITY OF OCEANSIDE, A BEAUTIFUL  
8 SEASIDE COMMUNITY OF A HUNDRED FIFTY THOUSAND IN  
9 NORTH SAN DIEGO COUNTY.

10 CHAIRMAN PENNINGTON: WHERE I WAS BORN.

11 MAYOR LYON: I'M NOT GOING TO DO ANY  
MORE

12 TOUTING OF THE CITY. I WANT TO GET RIGHT TO THE  
13 POINT.

14 ALMOST FOUR YEARS AGO WHEN I AND  
TWO

15 OTHER MEMBERS OF THE CITY COUNCIL WERE ELECTED,  
IT

16 BECAME ABUNDANTLY CLEAR TO US THAT THE SAN DIEGO  
17 COUNTY SOLID WASTE DISPOSAL SYSTEM WAS IN A STATE  
18 OF ABYSMAL CATASTROPHE. I THINK THAT -- AND I  
SEE

19 VICE CHAIR FRAZEE KIND OF CHUCKLING BECAUSE  
THAT'S

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20                   PROBABLY AN UNDERSTATEMENT.  
21                                   IT BECAME CLEAR THAT WE NEEDED TO  
22                   DO  
23                   SOMETHING ABOUT THAT.   AND AFTER INVESTIGATING  
24                   WHAT WE COULD DO, IT BECAME ALSO CLEAR THAT WE  
25                   WOULD NOT HAVE ACCESS TO A TRANSFER STATION IN  
THE  
26                   EVENT THAT WE DECIDED TO REMOVE OURSELVES FROM  
THE

1           SYSTEM.  AND THUS, WE NEEDED A CONTAINED SYSTEM,  
2           AND WE HAVE THAT IN PLACE NOW.  WASTE MANAGEMENT,  
3           INCORPORATED, SYSTEM CALLED WMS, WHICH WE HAVE  
4           BEEN OPERATING FOR NOW NEARLY TWO YEARS UNDER  
5           CONTRACT WITH WASTE MANAGEMENT OF NORTH COUNTY.

6                       I HEARTILY ENDORSE THE RECOMMEN-  
7           DATIONS OF YOUR PERMITTING COMMITTEE TO THE FULL  
8           BOARD AND URGE THEIR ADOPTION AT THIS MEETING.  
9           WHAT THIS WILL DO IS TO ALLOW OUR SYSTEM, WHICH  
10          HAS ALREADY BEEN POINTED OUT BY MR. STODDARD,  
11          CONTAINING SOME 74 VERY RESTRICTIVE CONDITIONS TO  
12          THE OPERATION OF THAT BY OUR LOCAL JURISDICTION,  
13          TO CONTINUE IN FORCE.  AND WE WOULD AGAIN HOPE  
14          THAT YOU WILL SEE FIT TO ALLOW THAT SYSTEM TO  
15          CONTINUE.

16                      IT IS WORKING.  WE HAVE NOT HAD IN  
17          THE TWO YEARS THAT WE'VE BEEN OPERATING A SINGLE  
18          COMPLAINT ABOUT THE MANNER IN WHICH OUR SYSTEM  
19          OPERATES.  IT IS CONTAINED.

20                      THE ISSUE OF -- BROUGHT UP BY THE  
21          VICE CHAIR WITH REGARD TO AIRTIGHT OR  
22          LIQUID-TIGHT, OUR SYSTEM IS SECURED.  THEY ARE, I  
23          THINK, LIQUID-TIGHT.  AND I WOULD HOPE THAT YOU  
24          WILL CONTINUE OUR CAPABILITY TO OPERATE A SYSTEM  
25          THAT WORKS FOR OUR CITY.  THANK YOU VERY MUCH.

IF

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1           THERE ARE ANY QUESTIONS, I'D BE PLEASED TO  
2           RESPOND.

3                   CHAIRMAN PENNINGTON:   THANK YOU, MR.  
4           MAYOR.   NOW WE HAVE COUNCILMEMBER TERRY JOHNSON.

5                   MR. JOHNSON:   GOOD AFTERNOON, CHAIRMAN  
6           PENNINGTON AND BOARD MEMBERS.   MY NAME IS TERRY  
7           JOHNSON.   I'M A COUNCILMEMBER FROM THE CITY OF  
8           OCEANSIDE.   AND AS THE MAYOR STATED, IT'S A  
9           BEAUTIFUL CITY.   I'M LEADING TO THE POINT I KNOW  
10          IT'S BEEN A LONG, LONG DAY, AND I'M LOOKING  
11          FORWARD TO GOING BACK HOME.

12                           I JUST WANT TO SAY THAT THE  
CITIZENS

13          AS A WHOLE THROUGHOUT THE WHOLE CITY ARE VERY,  
14          VERY SUPPORTIVE OF THE WMS PROGRAM AS IT IS IN  
THE

15          NEIGHBORHOOD SURROUNDING THE FACILITY.   IT'S A  
16          RESIDENTIAL NEIGHBORHOOD ALONG WITH INDUSTRY.

AS

17          THE MAYOR STATED, WE HAVE NOT HAD ANY PROBLEMS  
18          WHATSOEVER OR ANY CONCERNS COME FROM THE  
CITIZENS.

19                           AND IF THIS PROGRAM IS CHANGED FOR  
20          WHATEVER REASON, BELIEVE ME, WE'LL BE HANGING  
DOWN

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21           IN OCEANSIDE. I AM GOING TO BE A PART OF IT.  
SO  
22           I'M URGING YOUR SUPPORT OF THE ADOPTION OF THE  
23           RESOLUTION. I THANK YOU FOR YOUR TIME AND  
24           CONSIDERATION, AND PLEASE CONSIDER IT AND PASS  
25           THIS RESOLUTION. THANK YOU.



1                   CHAIRMAN PENNINGTON:   THANK YOU.   OKAY.

2                   NEXT WE HAVE GARY MILLIMAN.

3                   MR. MILLIMAN:   GOOD AFTERNOON.   GARY  
4                   MILLIMAN, CITY MANAGER WITH THE CITY OF FORT  
5                   BRAGG, WHERE IT WAS A BEAUTIFUL 64-DEGREE, FOGGY  
6                   DAY WHEN I LEFT AT NOON TODAY.

7                                 WANTED TO ADDRESS TODAY THE ISSUE OF  
8                   SEALED CONTAINER TRANSFER STATIONS AND HOW THIS  
9                   HAS AFFECTED THE CITY OF FORT BRAGG.   IN 1992 THE  
10                  CITY OF FORT BRAGG WAS FACED WITH FINDING A WAY TO  
11                  DEAL WITH THE SOLID WASTE DISPOSAL PROBLEM WHEN  
12                  THE CASPAR LANDFILL CLOSED EARLIER THAN ANTICI-  
13                  PATED.   AND FORTUNATELY, WE WERE ABLE TO ACCESS A  
14                  SEALED CONTAINER PROGRAM THROUGH EMPIRE WASTE  
15                  MANAGEMENT, WHO'S AN OWNER OF FORT BRAGG DISPOSAL.  
16                  AND THEY WERE ABLE TO IMPLEMENT THAT PROGRAM ON  
17                  VERY SHORT NOTICE TO ENABLE US TO TRANSFER OUR  
18                  WASTE FROM THE COAST INLAND SOME 40 MILES TO THE  
19                  CITY OF WILLETS LANDFILL.

20                                THAT OPTION CONTINUES TO EXIST TODAY  
21                  THAT ENABLES US TO CONSIDER TRANSFERRING OUR WASTE  
22                  FURTHER, FOR EXAMPLE, TO THE UKIAH LANDFILL THAT  
23                  YOU JUST DEALT WITH OR TO THE -- ULTIMATELY THE  
24                  TRANSFER STATION THAT'S PLANNED HERE IN MENDOCINO  
25                  COUNTY OR IN SOME OTHER LOCATION.

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1 WE'RE A SMALL CITY, AND I HEAR EVERY  
2 DAY FROM OUR CITIZENS ABOUT THINGS THAT ARE  
3 HAPPENING IN FORT BRAGG FROM CHUCKHOLES TO BARKING  
4 DOGS. ONE AREA WHERE WE HAVE HAD NO COMPLAINTS IN  
5 THE FOUR YEARS THAT THIS SYSTEM HAS BEEN OPERATED  
6 IS THE OPERATION OF THE SEALED CONTAINER SYSTEM,  
7 THE WMS SYSTEM. WE'VE HAD NO COMPLAINTS OF  
8 LEAKAGE, ODOR, OR ANY OTHER PROBLEMS ASSOCIATED  
9 WITH IT.

10 THE TRANSFER STATION IS PERMITTED BY  
11 THE CITY OF FORT BRAGG UNDER A USE PERMIT WITH A  
12 NUMBER OF CONDITIONS CONNECTED WITH ITS OPERATION.  
13 THE SITE IS REVIEWED PERIODICALLY, VISITED  
14 REGULARLY BY ME AND OTHER MEMBERS OF THE CITY  
15 STAFF. AND I CAN TELL YOU THAT IT'S A VERY GOOD  
16 OPERATION. WE'VE OBSERVED NO PROBLEMS WITH THE  
17 SYSTEM THERE AND NO NEIGHBOR COMPLAINTS.

18 SO WE URGE YOU TO, IN ADOPTING YOUR  
19 REGULATIONS, MAINTAIN THE FLEXIBILITY THAT WE NOW  
20 HAVE IN MEETING THESE IMMEDIATE NEEDS AS THEY  
21 ARISE UTILIZING THESE TYPES OF SYSTEMS. IT'S VERY  
22 IMPORTANT TO SMALL COMMUNITIES. THANK YOU.

23 CHAIRMAN PENNINGTON: THANK YOU. NEXT WE  
24 HAVE GABRIELLE SCORKI. SOROKA.

25 MS. SOROKA: GOOD AFTERNOON, MR. CHAIRMAN

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1           AND MEMBERS OF THE BOARD. MY NAME IS GABRIELLE  
2           SOROKA. I WORK WITH WASTE MANAGEMENT DIVISIONS IN  
3           SAN DIEGO COUNTY, AND I'M HERE ON BEHALF OF THE  
4           CITY OF EL CAJON, WHO WOULD HAVE JOINED THEIR  
5           COLLEAGUES FROM OCEANSIDE, BUT THIS IS A COUNCIL  
6           DAY. AND TO BE ABLE TO COME HERE AND TRY AND GET  
7           BACK BY 4 O'CLOCK PROVED TO BE AN IMPOSSIBLE TASK  
8           FOR THE COUNCILMEMBERS AND THE STAFF.

9                       AS IN THE CITY OF OCEANSIDE, THE  
10           CITY OF EL CAJON DID EXTENSIVE ENVIRONMENTAL  
11           REVIEW OF THE SYSTEM BEFORE IT WAS INSTITUTED. IT  
12           HAS BEEN IN EFFECT FOR TWO YEARS. THE ENVIRON-  
13           MENTAL REVIEW WAS CHALLENGED IN THE COURTS AND WAS  
14           UPHELD. THERE ARE 40 CONDITIONS ON THE EXCHANGE  
15           SITE WHICH IS ADJACENT TO THE OPERATING YARD IN  
16           THE CITY OF EL CAJON, SIMILAR TO OCEANSIDE, AND  
17           THERE HAVE BEEN NO PROBLEMS.

18                      IN TERMS OF THE CONTAINERS, WHETHER  
19           THEY'RE UPRIGHT OR VERTICAL, THERE IS NO LEAKAGE  
20           FROM THE CONTAINERS. THEY'RE DESIGNED THAT WAY  
21           WITH A VERY HIGH LIP SO THERE ISN'T THAT  
22           POSSIBILITY.

23                      AND WE WOULD ALSO URGE YOU TO PASS  
24           THE RECOMMENDATION FROM THE PERMIT COMMITTEE AND  
25           DEAL WITH THIS ISSUE TODAY. IT'S A CRITICAL PART

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1           OF THE CITY OF EL CAJON AND OCEANSIDE SOLID WASTE  
2           SERVICES AND THEIR LONG-TERM PLANNING PROCESS, AND  
3           TO BE DISRUPTED FROM BEING ABLE TO USE THIS SYSTEM  
4           WOULD MAKE IT IMPOSSIBLE TO PURSUE THEIR LONG-TERM  
5           SOLID WASTE GOALS.

6                   CHAIRMAN PENNINGTON:   THANK YOU.

7                   BOARD MEMBER FRAZEE:   THE SITE IN THE  
8           CITY OF OCEANSIDE OPERATED BEFORE THE POD SYSTEM  
9           CAME IN AS A TRUCK YARD.

10                  MS. SOROKA:   IT WAS A TRUCK YARD.

11                  BOARD MEMBER FRAZEE:   AND THERE WAS NO  
12           REQUIREMENT IN STATUTE FOR A PERMIT FOR THAT.

13                  MS. SOROKA:   THERE WAS A -- I BELIEVE WE  
14           ORIGINALLY HAD A CUP.

15                  BOARD MEMBER FRAZEE:   I MEAN A STATE  
16           WASTE BOARD PERMIT.   THERE WAS NO --

17                  MS. SOROKA:   NO.   IT WAS A HAULING  
18           DIVISION.

19                  BOARD MEMBER FRAZEE:   IT WAS ASSUMED WHEN  
20           THE POD SYSTEM CAME IN, THAT WAS JUST A REFINEMENT  
21           OF THE OPERATION OF THE YARD.

22                  MS. SOROKA:   NOT ACTUALLY.   WHEN WE  
23           ESTABLISHED THE POD SYSTEM AND A DIFFERENT TYPE OF  
24           COLLECTION, WE WERE REQUIRED TO FILE A NEW  
25           CONDITIONAL USE PERMIT FOR THE FACILITY THAT

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1 INCLUDED THE ENVIRONMENTAL REVIEW FOR THE WMS  
2 SYSTEM. SO WE ACTUALLY WENT THROUGH A PROCESS IN  
3 BOTH CITIES TO FILE NEW CUP APPLICATIONS FOR THE  
4 OPERATION OF THE WMS SYSTEM, AND IN BOTH CITIES  
5 HAD EXTENSIVE ENVIRONMENTAL REVIEW, INCLUDING  
6 NOISE, ODOR, RUNOFF ISSUES, AS HAS BEEN DISCUSSED  
7 BY THE CITY OF OCEANSIDE.

8 BOARD MEMBER FRAZEE: THESE ARE ALL  
9 OPERATIONAL FACILITIES, AND THEY DO NOT REQUIRE  
10 ANY KIND OF A STATE PERMIT.

11 MS. SOROKA: EXACTLY RIGHT.

12 CHAIRMAN PENNINGTON: THANK YOU. NEXT WE  
13 HAVE EVAN EDGAR.

14 MR. EDGAR: GOOD AFTERNOON. EVAN EDGAR,  
15 MANAGER OF TECHNICAL SERVICES, CALIFORNIA REFUSE  
16 REMOVAL COUNCIL, REPRESENTING THE PRIVATE  
17 INDEPENDENT SOLID WASTE HAULER IN CALIFORNIA.

18 I'M HERE TODAY TO TALK ABOUT

FOUR

19 POINTS ABOUT THIS NEW TECHNOLOGY. I'M GOING

TO

20 TOUCH UPON THE LEGAL ARGUMENTS THAT WE HAD IN

THE

21 P&E COMMITTEE, EXPAND UPON PUBLIC HEALTH AND

22 SAFETY, GET A LITTLE PHILOSOPHICAL, AND

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DISCLOSE

23                   COMPETITIVE CONCERNS.

24                                   FIRST OF ALL, NO. 1 IS THAT ON

THE

25                   LEGAL ARGUMENT WE TALKED ABOUT EXTENSIVELY AT

THE

1 PERMITTING AND ENFORCEMENT COMMITTEE ABOUT PRC  
2 43309, WHICH I HAVE A LETTER I'D LIKE TO ENTER  
3 INTO THE RECORD ABOUT 43309. IT STATES THAT  
4 REGULATIONS SHALL PROHIBIT THE STORING OF MORE  
5 THAN 90 CUBIC YARDS OF SOLID WASTE IN COVERED  
6 CONTAINERS IN ANY 72-HOUR PERIOD.

7 DURING THE TESTIMONY, I EXPLAINED  
8 HOW THIS POD SYSTEM IS NOTHING MORE THAN A COVERED  
9 CONTAINER, LITTLE Fancier; BUT SINCE 1989 WHEN PRC  
10 43309 WENT INTO PLACE, OUR INDUSTRY THAT I  
11 REPRESENT AT 150 YARDS IN CALIFORNIA, WE USE ALL  
12 TYPES OF SEALED CONTAINERS. SOME ARE WATERTIGHT,  
13 SOME ARE LEAK PROOF, SOME ARE A WHOLE VARIETY OF  
14 DIFFERENT TYPES OF SYSTEMS WE USE.

15 SO WE ARE SUGGESTING THAT YOU  
16 RECOGNIZE THAT PRC 43309 WITH RESPECT TO THE  
17 SEALED CONTAINERS AND THAT ANY REGULATIONS NEEDS  
18 TO BE TECHNOLOGY NEUTRAL, THAT SOMEHOW THIS NEW  
19 TWIST ON A SYSTEM SHOULD NOT BE ABLE TO AVOID PRC  
20 43309. THEREFORE, I THINK THAT THE SECOND DRAFT  
21 OF THE OAL REGULATIONS NEED TO RECOGNIZE THAT  
22 STATUTE. AND WHAT I SEE IN THE SECOND DRAFT,  
23 IT'S  
24 NOT THERE. THAT'S MY FIRST POINT.

24 SECOND IS PUBLIC HEALTH AND

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SAFETY.

25

I 'M PUTTING MY HARD HAT BACK ON FOR A LITTLE

1           WHILE.   SINCE 1989 WE'VE USED 43309 UP AND DOWN  
2           THE STATE.   WE HAVE COMPLIED WITH THE 90 CUBIC  
3           YARDS AND 72 HOURS, AND WE'VE HAD OUR PROBLEMS  
4           OVER THE TIME.   AND THAT'S WHY THERE'S LIMITA-  
5           TIONS.   NOW, LIMITATIONS IS 90 CUBIC YARDS IN 72  
6           HOURS IN ORDER TO MAKE SURE THAT THE TIME AND THE  
7           VOLUME DOESN'T GET TOO LARGE.

8                       THE DEMONSTRATION PROJECT OF RECORD  
9           THAT I'VE SEEN IN DIFFERENT PACKAGES, THAT MR.  
10          CONHEIM LOOKED AT AS THE WASTE BOARD COUNSEL IN  
11          1990, HAD LIMITATIONS.   AND LIMITATIONS WERE THREE  
12          PODS FOR 24 HOURS UP IN FORT BRAGG.   THERE'S NOT  
13          66 YARDS.   THE ONE OTHER I SAW WAS DOWN IN  
14          DANVILLE WHERE NINE PODS FOR TWO HOURS UP TO 24  
15          HOURS, WHICH IS 200 YARDS.   AND I AM THE MASTER OF  
16          DEMONSTRATION PROJECTS UP AND DOWN THE STATE FOR  
17          LANDFILLS FOR ADC, CALIFORNIA ENERGY COMMISSION  
18          GRANTS.

19                      A DEMONSTRATION PROJECT IS INTENDED  
20          IN ORDER TO HAVE SET PARAMETERS IN WHICH YOU LOOK  
21          AT PUBLIC HEALTH AND SAFETY ISSUES, YOU FINE-TUNE  
22          IT, AND YOU ADDRESS THOSE ISSUES.   THESE  
23          DEMONSTRATION PROJECTS HAD LIMITATIONS.   THEY'RE  
24          NOT UNLIMITED WITH UNLIMITED TIME AND VOLUME,  
25          WHICH WE HAVE IN THE PROPOSED REGULATIONS TODAY.

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1                   SO I THINK THERE NEEDS TO BE A  
2                   FINDING THAT WITH THE DEMONSTRATION PROJECT, THERE  
3                   NEEDS TO BE SOME TYPE OF LIMITATION WITHIN THE  
4                   NOTIFICATION TIER FOR THIS SEALED CONTAINER  
5                   TECHNOLOGY. I WOULD RECOMMEND ABOUT 200 CUBIC  
6                   YARDS. THAT THRESHOLD HAS BEEN USED BEFORE  
7                   BECAUSE IN PROPOSED REGULATIONS, BEFORE THEY WERE  
8                   REVISED BETWEEN REGISTRATION AND STANDARDIZED, WE  
9                   HAD THE 200 CUBIC YARDS THRESHOLD FOR UNCONTAIN-  
10                  ERIZED SOLID WASTE.

11                  ANOTHER ISSUE ABOUT TIME LIMITATIONS  
12                  IS YOU'VE GOT TO RECOGNIZE THAT THE SOLID WASTE  
13                  HAS BEEN STORED UP TO SEVEN DAYS AT THE POINT OF  
14                  GENERATION. THEN YOU TAKE IT TO AN EXCHANGE OR  
15                  TRANSFER AREA, IT HAS ANOTHER SEVEN DAYS. SEVEN  
16                  PLUS SEVEN IS 14 DAYS. SO AFTER A WHILE THIS  
17                  GARBAGE GETS A LITTLE RIPE.

18                  I SPENT THREE YEARS AT THE ACTIVE  
19                  FACE OF A LANDFILL, AND I'VE SEEN GARBAGE WITH 14  
20                  DAYS ON IT. IT'S NOT PRETTY. THERE'S NOT A  
21                  LANDFILL THAT'S DESIGNED TO HANDLE THAT TYPE OF  
22                  SMELLS. AND BELIEVE ME, THERE IS A PUBLIC HEALTH  
23                  AND SAFETY CONCERN AFTER 14 DAYS OF STORAGE.

24                  SO I WOULD WANT TO TOUCH UPON THE  
25                  PHILOSOPHY NOW AS WELL. BECAUSE AFTER YOU STORE

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1           THIS STUFF FOR 14 DAYS, YOU CAN'T GET A PICK LINE.  
2           BASICALLY IT'S NOT RECYCLABLE. SO ONCE YOU HIT  
3           THE SEALED CONTAINER TECHNOLOGY AND YOU GO FROM  
4           COLLECTION TO EXCHANGE TO DISPOSAL, YOU AIN'T  
5           GOING TO SEE A PICK LINE, YOU'RE NOT GOING TO SEE  
6           THE LOCAL MRF, YOU'RE NOT GOING TO SEE RECYCLING.  
7           SO I HAVE SOME PHILOSOPHICAL PROBLEMS WITH THIS  
8           NEW AND EXCITING TECHNOLOGY.

9                           AND NOW FOR THE COMPETITIVE  
10          ARGUMENTS. THAT'S WHAT COMES DOWN TO EVERY TIME  
11          I'M UP HERE. EVAN EDGAR'S COMPETITIVE ARGUMENTS.  
12          I THINK I HAVE VALID TESTIMONY FROM THE FIELD ON  
13          DEMONSTRATION PROJECTS, ON PUBLIC HEALTH AND  
14          SAFETY. SO IF YOU WANT TO REALLY TALK ABOUT  
15          COMPETITIVE ARGUMENTS, IT'S CORRECT. YOU CAN'T  
16          BUY IT. IT'S A PACKAGE FOR UP TO FIVE YEARS, I  
17          BELIEVE. SO WE DON'T HAVE ACCESS TO THIS TYPE OF  
18          TECHNOLOGY WITH REGARDS TO THE SEALED CONTAINERS.

19                        BUT I'M NOT HERE BECAUSE OF THIS  
20          NEW, FANCY TECHNOLOGY. THAT'S NOT THE  
COMPETITIVE

21          ADVANTAGE THAT I WANT TO LOOK AT TODAY. IT'S THE  
22          FACT THAT THEY CAN UTILIZE THIS WITHOUT GETTING A  
23          TRANSFER STATION PERMIT. IT'S A PERMITTING  
24          QUESTION, NOT A SEALED CONTAINER QUESTION. SO WE  
25          TALK ABOUT COMPETITION. IT'S ABOUT EQUITY; IT'S

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1 NOT ABOUT SEALED CONTAINER TECHNOLOGY.

2 I WILL HAVE TO SAY THAT BECAUSE  
3 THAT'S AN ALLEGATION WE HAD DURING THE PERMITTING  
4 AND ENFORCEMENT COMMITTEE ABOUT OUR IMAGINATIONS  
5 WHILE WE WERE TESTIFYING. THE REASON THIS PROCESS  
6 WAS DEVELOPED WAS TO HAVE AN ENTRE IN THE  
7 COMMUNITIES IN ORDER TO EXPLOIT LOCAL CRISES TO GO  
8 AFTER DIFFERENT WASTESTREAMS WITHOUT A TRANSFER  
9 STATION PERMIT AND LONG HAUL IT TO A LEGAL  
10 LANDFILL WITHOUT GOING TO THE LOCAL TRANSFER  
11 STATION, WITHOUT GOING THROUGH THE LOCAL MRF,  
12 WHICH THEN, OF COURSE, TRANSFERS IT TO A REGIONAL  
13 LANDFILL.

14 SO THE POD TECHNOLOGY IS VERY  
15 COMPETITIVE. SINCE I REPRESENT LOCALLY BASED  
16 COMPANIES -- LOCALLY OWNED COMPANIES THAT HAVE  
17 BOTH THE PRIVATE MRF'S AND THE TRANSFER STATION IN  
18 THESE COMMUNITIES, THIS POD TECHNOLOGY COULD RAID  
19 DIFFERENT COLLECTION AGREEMENTS IN EXPORTING TO  
20 LEGAL LANDFILLS WITHOUT GOING THROUGH A  
RECYCLING

21 FACILITY. THAT IS A COMPETITIVE ARGUMENT THAT I  
22 BRING FOR YOU TODAY.

23 IT'S NOT ABOUT SEALED CONTAINERS.

24 IT'S ABOUT THE TRANSFER STATION PERMIT. MR.  
25 STODDARD HAD TWO THINGS, CONTINUATION. WELL, HE

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1 DOES HAVE A DEMONSTRATION PROJECT. IT'S LIMITED  
2 TERM AND LIMITED VOLUME: 200 CUBIC YARDS, 24  
3 HOURS. THAT'S WHAT SHOULD BE ABLE TO FIT IN  
4 NOTIFICATION TIER FOR SEALED TECHNOLOGY  
5 CONTAINERS. THAT'S WHAT I RECOMMEND TODAY.

6 THE REGULATORY FLOOR, IT OPENS THE  
7 DOOR. THAT'S WHAT IT DOES FOR LONG HAULING TO  
8 MEGA LANDFILLS WITHOUT GOING THROUGH THE LOCAL  
9 MRF. THAT'S MY TESTIMONY TODAY. IT'S LEGAL, IT'S  
10 PUBLIC HEALTH AND SAFETY, IT'S PHILOSOPHICAL, AND  
11 IT'S COMPETITIVE. FOUR STRIKES AND YOU'RE  
12 REGISTERED. THANK YOU.

13 CHAIRMAN PENNINGTON: YES, MR. CHESBRO.

14 BOARD MEMBER CHESBRO: ON THIS  
15 DEFINITIONAL QUESTION, YOU WERE TALKING ABOUT  
16 SECOND VERSION OF THE REGS. WHAT'S YOUR RESPONSE  
17 TO THE STAFF'S SUGGESTION OF TRYING TO CLARIFY  
18 THINGS IN THE STATEMENT OF REASONS AS OPPOSED  
19 TO --

20 MR. EDGAR: BECAUSE I THINK IF YOU LOOK  
21 AT THE SEALED CONTAINERS LANGUAGE, IT'S UNLIMITED  
22 VOLUME. YOU KNOW, SO WHAT I RECOMMEND IS 200  
23 CUBIC YARDS. IF YOU GO ABOVE THAT THRESHOLD, THEN  
24 YOU GET KICKED INTO REGISTRATION PERMIT TIER.

25 BOARD MEMBER CHESBRO: THAT'S GOING BACK

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1 TO THE DEFINITIONAL QUESTION, NOT THAT ONE, BUT  
2 THE QUESTION OF THE DEFINITION OF WHAT IS A SEALED  
3 CONTAINER. I'M TRYING TO MAKE SURE THAT WE'VE GOT  
4 IT CLARIFIED.

5 MR. EDGAR: IN REGARDS TO HAVING IT  
6 LIQUID-TIGHT OR AIRTIGHT? I BELIEVE NOTHING IS  
7 AIRTIGHT. I DON'T KNOW, LIQUID-TIGHT WOULD BE THE  
8 STANDARD, WHICH I DON'T HAVE A TECHNICAL PROBLEM  
9 WITH. I HAVEN'T DONE THE RESEARCH NEEDED WITH  
10 ASME OR OTHER ENGINEERING MANUALS TO JUSTIFY TO  
11 THAT, BUT LEAK PROOF IS ANOTHER STANDARD WHICH  
12 COULD BE USED. I DON'T KNOW IF IT'S LEAK PROOF,  
13 WATERTIGHT, AND AIRTIGHT.

14 CHAIRMAN PENNINGTON: I DON'T KNOW  
15 IF WE  
16 CAN USE THE ANSI STANDARD THAT SOMEBODY  
17 MENTIONED.

18 AND I GUESS KENT SAID THAT THERE'S A -- IN  
19 HIS  
20 LETTER THAT THERE'S AN ANSI STANDARD FOR  
LIQUID--  
TIGHT. IS THAT RIGHT? DIDN'T YOU REFER IN  
YOUR  
LETTER TO AN ANSI STANDARD?

21 MR. STODDARD: ASME STANDARD WAS FOR

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21               WELDED CONSTRUCTION OF CONTAINERS.   AND THEN  
THE  
22               CLASS I SEAL WAS AN ENGINEERING STANDARD FOR  
THE  
23               BOTTOM SEAL, WHICH IS -- RELATES TO LIQUID-  
TIGHT.  
24               YOU CAN BASICALLY FILL THE CONTAINER WITH  
WATER,  
25               AND YOU WILL GET NO LEAKAGE THROUGH THAT  
BOTTOM



1 SEAL.

2 CHAIRMAN PENNINGTON: SO, EVAN, WHAT  
3 WOULD YOU THINK IF WE USED THAT DEFINITION ON  
4 CLASS I SEAL?

5 MR. EDGAR: WITH REGARDS TO THE SEALED  
6 TIER DEFINITION, I BELIEVE THAT COULD BE ADEQUATE  
7 FOR THE INTENDED PURPOSE. AND MY TESTIMONY REALLY  
8 DIDN'T HONE IN ON THAT DEFINITION OF SEALED  
9 CONTAINERS. IT WAS MORE OF A THRESHOLD AND VOLUME  
10 WHICH TRIGGERED IT INTO A REGISTRATION PERMIT,  
11 WHICH YOU HAD THE FOUR ARGUMENTS I LAID OUT.

12 WITH REGARDS TO DEFINITION OF SEALED  
13 CONTAINERS, THAT SOUNDS ADEQUATE. I HAVEN'T DONE  
14 THE RESEARCH TO VERIFY IT.

15 BOARD MEMBER CHESBRO: I WOULD LIKE TO  
16 ASK KENT, AT THE RISK OF -- I REALLY DON'T WANT TO  
17 START A BACK AND FORTH HERE, BUT AN IMPORTANT  
18 QUESTION WAS RAISED WITH REGARDS TO THE DIVERSION  
19 QUESTION. I ALMOST SAID THE P AND THE I WORD, BUT  
20 I WON'T BECAUSE I DON'T WANT TO PUSH ANYBODY'S  
21 BUTTONS. I'M JUST CURIOUS IF -- HOW THESE  
22 CONTAINERS WOULD FIT INTO A SEPARATION OR MRF-TYPE  
23 PROCESS THAT WOULD OR NOT.

24 MR. STODDARD: ONE OF THE PRINCIPAL  
25 BENEFITS OF THE WMS SYSTEM IS THAT YOU CAN USE A

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1 VARIETY OF TRUCK BEDS, BUT THE PODS CAN CHANGE.  
2 SOME ARE USED STRICTLY FOR RECYCLING. SOME WOULD  
3 BE USED FOR COMMERCIAL LOADS THAT WOULD BE TURNED  
4 AROUND REALLY QUICKLY AND TAKEN TO A SORT LINE AND  
5 SEGREGATED. SOME WILL COLLECT GARBAGE THAT WAS  
6 NEVER INTENDED FOR A SORT LINE.

7 SO THERE'S NOTHING INHERENT IN THE  
8 TECHNOLOGY, INHERENT IN THE TECHNOLOGY THAT LIMITS  
9 OUR ABILITY TO RECYCLE. IF ANYTHING, IN SOME  
10 CASES, GIVEN THE ADVANTAGES OF THE ENTIRE  
11 COLLECTION AND TRANSPORTATION SYSTEM, IT ACTUALLY  
12 ENHANCES OUR ABILITY TO COST-EFFECTIVELY RECYCLE.

13 CHAIRMAN PENNINGTON: OKAY. THANK YOU.  
14 NEXT WE HAVE TODD THOMPSON AND LARRY SWEETSER.  
15 ARE YOU A TAG TEAM?

16 MR. THOMPSON: ESSENTIALLY THAT'S RIGHT.  
17 GOOD AFTERNOON, MR. CHAIRMAN, BOARD MEMBERS. I'LL  
18 WARN YOU IN ADVANCE, MR. CHAIRMAN. I'M A LAWYER,  
19 BUT I HOPE YOU WILL HEAR ME OUT ANYWAY. HERE ON  
20 BEHALF OF NORCAL WASTE SYSTEMS, INC., ALONG WITH  
21 LARRY SWEETSER, WHO I THINK IS MORE FAMILIAR TO  
22 YOU. WE'D LIKE TO TALK ABOUT THE SAME SORTS OF  
23 THINGS THAT EVERYONE'S BEEN TALKING ABOUT THIS  
24 AFTERNOON WITH REGARD TO THESE REGULATIONS. AND  
25 THAT IS THIS QUESTION OF SEALED CONTAINERS.

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1 I SHOULD NOTE UNDER THE REGULATIONS  
2 AS THEY'VE NOW BEEN MODIFIED, LIQUID-TIGHT  
3 CONTAINERS CAN BE AT AN OPERATION IN ANY QUANTITY  
4 UP TO A WEEK FOR ANY PARTICULAR CONTAINER, BUT  
5 ESSENTIALLY ANY QUANTITY FOR AN EXTENDED PERIOD OF  
6 TIME.

7 WE HAVE TWO OBJECTIONS TO THIS. AND  
8 THE FIRST IS WE DON'T THINK IT'S GOOD POLICY, AND  
9 SECOND IS THAT WE DON'T THINK IT'S CONSISTENT WITH  
10 THE RELEVANT LAW. THAT'S ALREADY BEEN TOUCHED ON  
11 BY EVAN WHEN HE DISCUSSED LEGAL. I'D LIKE TO GO  
12 INTO IT AT MORE LENGTH, BUT FIRST MR. SWEETSER  
13 WOULD LIKE TO TALK TO YOU ABOUT POLICY.

14 I THINK IT'S IMPORTANT TO GO BACK  
15 AND REVIEW HOW WE REACHED THIS POSITION WITH  
16 LIQUID-TIGHT CONTAINERS, AND THAT IS INITIALLY THE  
17 REGULATIONS EXEMPTED OR SUBJECTED TO THE  
18 NOTIFICATION TIER ONLY AIRTIGHT CONTAINERS. BUT  
19 AIRTIGHT CONTAINERS, FOR FAIRLY OBVIOUSLY REASONS,  
20 SINCE THOSE DON'T COMMUNICATE WITH THE ENVIRON-  
21 MENT, THERE'S REALLY NOT MUCH RISK TO PUBLIC  
22 HEALTH, IF NOT EVEN AIR CAN ESCAPE FROM THE  
23 CONTAINERS.

24 BUT THEN THE WMS SYSTEM WITH THE  
25 PODS WAS PROPOSED, AND THE PROBLEM IS IT DOESN'T

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1 FIT INTO THIS TIER BECAUSE IT'S NOT AIRTIGHT.  
2 IT'S LIQUID-TIGHT, BUT IT'S NOT AIRTIGHT. AND,  
3 THEREFORE, IN ORDER TO ACCOMMODATE THIS TECHNO-  
4 LOGY, THE WMS SYSTEM, THE DEFINITION WAS CHANGED  
5 FROM AIRTIGHT TO LIQUID-TIGHT, AND THAT'S PART OF  
6 THE AMENDMENTS THAT ARE BEFORE YOU OR THE REGULA-  
7 TION AS AMENDED.

8 THE PROBLEM WITH THAT IS, OF COURSE,  
9 WHEN YOU -- AND I WANT TO TOUCH ON THIS DEFINI-  
10 TIONAL PROBLEM. BUT WHEN YOU SWITCH FROM AIRTIGHT  
11 TO WATERTIGHT, YOU LET IN AN AWFUL LOT OF CON-  
12 TAINERS THAT DEPART CONSIDERABLY FROM THE WMS  
13 SYSTEM. THEY'VE TOLD YOU HERE THAT THEIR SYSTEM  
14 IS ENVIRONMENTALLY BENIGN. I DON'T PERSONALLY  
15 HAVE ANY REASON TO DOUBT THAT THAT'S TRUE. BUT  
16 WHAT I CAN TELL YOU IS THAT VICE CHAIR FRAZEE'S  
17 CONCERNS ARE VERY REAL ONES WITH THE WAY THAT  
THIS  
18 DEFINITION WORKS NOW.

19 LOTS OF CONTAINERS THAT DON'T LIVE  
20 UP TO THE STANDARDS THAT WMS CLAIMS FOR THEIR POD  
21 SYSTEM WILL QUALIFY AS WATERTIGHT CONTAINERS  
UNDER  
22 THIS SYSTEM, AND THOSE INTRODUCE MORE SERIOUS  
23 PUBLIC HEALTH CONCERNS.

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24 SO WHAT WE'RE HERE TODAY TO OBJECT  
25 ABOUT, LARRY AND I, IS THE FACT THAT UNLIMITED



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1           NUMBERS OF THESE CONTAINERS CAN NOW BE GATHERED  
2           TOGETHER AT ONE OPERATION, AND THEY CAN STAY  
THERE  
3           BASICALLY CONTINUALLY ALTHOUGH THEY'LL HAVE TO BE  
4           ROTATED.  
5                           BEFORE LARRY COMES ON TO TALK TO  
YOU  
6           ABOUT THAT, I WANT TO ADDRESS THE DEFINITIONAL  
7           PROBLEM BECAUSE I'M AFRAID YOU CAN'T REALLY SOLVE  
8           THIS PROBLEM THROUGH CHANGING THE DEFINITION.  
THE  
9           STAFF HAS ALREADY DEFINED WATERTIGHT IN THE WAY  
10          THAT ONE WOULD EXPECT THEM TO DEFINE IT.  WATER  
11          CAN'T GET IN AND WATER CAN'T GET OUT.  
12                           NOW, WHAT THAT MEANS IS YOU'VE GOT  
13          BASICALLY A LEAK PROOF CONTAINER WITH A TOP ON  
IT,  
14          AND I DON'T THINK -- VICE CHAIR FRAZEE, YOU SEEM  
15          TO BE CONCERNED THAT A TARP, AND I THINK ONE OF  
16          THE STAFF SAID THAT A TARP WOULDN'T QUALIFY, BUT  
17          THE FACT IS UNDER THE LANGUAGE OF THE  
REGULATIONS,  
18          A TARP WOULD QUALIFY AS LONG AS IT FIT OVER THE  
19          TOP OF A WATERTIGHT CONTAINER BECAUSE WATER  
CANNOT

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20 GET INTO THAT SORT OF A CONTAINER. THE TARP  
KEEPS

21 IT FROM DOING THAT.

22 SO THE FACT IS I DON'T SEE, UNLESS

23 YOU SOMEHOW TRY AND SPARSE THIS DOWN TO CREATE A

24 SPECIAL EXEMPTION FOR THE WMS TECHNOLOGY, I DON'T

25 SEE HOW BY SIMPLY ADJUSTING THE DEFINITION YOU  
ARE

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1           GOING TO BE ABLE TO SOLVE THAT PROBLEM BECAUSE  
THE  
2           DEFINITION, AS FAR AS THE STANDARDS THAT HAVE  
BEEN  
3           PROPOSED BY THE ENGINEERING STANDARDS, THE  
4           DEFINITION ALREADY SAYS IT HAS TO BE LEAK PROOF,  
5           WHICH ASSUMES THAT WATER CAN'T GET OUT OF IT. SO  
6           IT REALLY DOESN'T SOLVE THE PROBLEM SIMPLY TO  
SAY,  
7           AGAIN, IT HAS TO BE LEAK PROOF ACCORDING TO SOME  
8           PARTICULAR STANDARD.

9                       THE PROBLEM BASICALLY IS THAT  
10          BECAUSE IT'S NOT AIRTIGHT, YOU CAN PUT ANY KIND  
OF  
11          A LID ON IT THAT WILL KEEP WATER FROM GETTING IN  
12          AND IT QUALIFIES UNDER THE REGULATIONS. AND I  
13          DON'T THINK THAT THAT CAN BE SOLVED DEFINITION-  
14          ALLY.

15                      IF YOU HAVE QUESTIONS, I'D BE GLAD  
16          TO ADDRESS THEM. IF NOT, I'D LIKE TO TURN IT  
OVER  
17          TO MR. SWEETSER, AND THEN I'D LIKE TO ADDRESS YOU  
18          AGAIN AT THE END ON LEGAL ISSUES.

19                      CHAIRMAN PENNINGTON: QUESTIONS OF MR.  
20          THOMPSON?

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21 MR. SWEETSER: GOOD AFTERNOON, CHAIRMAN  
22 PENNINGTON, MEMBERS OF THE COMMITTEE. MY NAME IS  
23 LARRY SWEETSER, DIRECTOR OF REGULATORY AFFAIRS  
FOR  
24 NORCAL WASTE SYSTEMS. IT'S FUN TO BE IN TOWN  
HERE  
25 DEALING WITH THIS ISSUE.

1                   FIRST OFF, I JUST WANTED TO ASSUME  
2           THAT, EVEN THOUGH THE COMMENT PERIOD ON THE REGS  
3           WAS ON FRIDAY, THAT GIVEN THE MAGNITUDE OF THESE  
4           CHANGES AND ALSO THE FACT THAT THIS IS THE FIRST  
5           TIME THIS PACKAGE HAS BEEN HEARD BEFORE THE FULL  
6           BOARD, THAT INFORMATION TODAY IS STILL PART OF  
7           THAT REGULATORY PACKAGE, OPERATING ON THAT  
8           ASSUMPTION.

9                   FIRST OFF, THE CONCERN THAT WE HAVE  
10          IS OF A TECHNICAL NATURE ON THE LEGAL ASPECT OF  
11          IT. IT'S BASICALLY TWOFOLD. ONE IS THE  
12          INCONSISTENCY AND THE OTHER IS LACK OF CLARITY,  
13          BOTH OAL STANDARDS AS FAR AS WHAT'S BEING  
14          PROPOSED.

15                   THE INCONSISTENCY HAS TO DEAL WITH  
16          LEGAL ARGUMENTS, BUT ALSO WHERE THE CURRENT  
17          STANDARDS ARE AS FAR AS DIFFERENT TYPES OF  
18          CONTAINERS. THE LACK OF CLARITY IS IN THE LACK OF  
19          DEFINITIONS ON LIQUID-TIGHT AND SOME OF THE  
20          MINIMUM STANDARDS AS WELL AS THE UNLIMITED  
21          THRESHOLD, WHICH I THINK IS THE MAIN CONCERN TO  
22          FOCUS ON IS THE FACT THAT YOU'RE ALLOWING  
23          UNLIMITED NUMBERS OF CONTAINERS, WHICH IS BOTH A  
24          CLARITY JUSTIFICATION FOR THAT AS WELL AS  
25          INCONSISTENCY.

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1                   AND AS MUCH AS SOME PEOPLE LIKE TO  
2           COUCH THIS AS A COMPETITIVE ISSUE, I REALLY DON'T  
3           SEE IT AS SUCH. NOT ONLY DO THEY HAVE SPECIAL  
4           TYPES OF CONTAINERS, WE HAVE THOSE TYPES OF  
5           CONTAINERS. MR. EDGAR TESTIFIED THAT THEY HAVE  
6           THOSE TYPES OF CONTAINERS. EVERY HAULER OUT THERE  
7           HAS TYPES OF CONTAINERS THAT MEET THE DEFINITION.  
8           SO IT'S NOT REALLY COMPETITIVE OF ONE TECHNOLOGY  
9           OVER ANOTHER. ADMITTEDLY, SOME OF THESE CON-  
10          TAINERS MAY BE CADILLACS, SOME OF THEM MAY BE  
11          VOLKSWAGENS, BUT NONETHELESS THEY STILL FIT THE  
12          REQUIREMENTS AS PROPOSED.

13                   IT MAY HELP TO HAVE THE CLARITY OF  
14          THAT IN SOME OTHER FORM, BUT I THINK WE NEED TO  
15          HAVE SOME DEFINITION FOR THAT AS PART OF THE  
16          REGULATION, NOT IF THE NOTICE GOES ALONG WITH IT  
17          OR AN LEA ADVISORY. I REMEMBER AT MANY MEETINGS  
18          WE TALKED ABOUT THE ENFORCEMENT, ENFORCEABILITY OF  
19          THOSE ADVISORIES AND OTHER ISSUES. SO UNLESS IT'S  
20          EXPLICIT IN THE REGULATION, I THINK IT'S A  
21          DISSERVICE TO PEOPLE TRYING TO FIGURE OUT WHAT  
22          THOSE ISSUES ARE.

23                   I WANT TO COMMEND BOTH WMX AND THE  
24          CITIES OF OCEANSIDE AND FORT BRAGG FOR THE CON-  
25          DITIONS THAT THEY HAVE IMPOSED ON THOSE TYPES OF

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1           OPERATIONS. I THINK THOSE, HAVING SURVEYED ALL  
2           THE 74 CONDITIONS, BUT I THINK THEY'RE PROBABLY  
3           REASONABLE IN TERMS WHAT THEY FEEL THE POTENTIAL  
4           THREAT MAY BE OUT THERE.

5                       MR. EDGAR MENTIONED THAT WE'RE  
6           LOOKING AT A RANGE OF TYPES OF OPERATIONS, NOT  
7           JUST THE ONES THAT YOU'VE SEEN OUT THERE. EVEN  
8           THOUGH THEY HAVE IMPOSED LIMITS, WE'RE LOOKING AT  
9           THE ENTIRE RANGE.

10                      YOU HAVE BEFORE YOU ON THE OVERHEAD  
11           PART OF THE INCONSISTENCY THAT WE SEE BETWEEN THE  
12           REGULATIONS. WE TALKED ABOUT THE SECTION 43309.  
13           I WANT TO TALK ABOUT IT A LITTLE FURTHER. BUT  
14           THAT HAS A 72-HOUR LIMIT AND A 90-CUBIC-YARD  
15           LIMIT. THAT'S BEEN IN EFFECT, WE'RE LIVING BY IT,  
16           IT'S WORKING. THAT'S NOT UNREASONABLE A  
17           REQUIREMENT FOR THOSE PEOPLE OUT THERE.

18                      THAT REQUIREMENT WAS PUT IN PLACE  
19           PRIMARILY FOR THOSE HAULERS THAT WANTED TO STORE  
20           MATERIAL OVER A WEEKEND WHEN A LANDFILL CLOSED,  
21           BUT IT CAN BE USED IN TERMS OF TRANSFER STATION  
22           ACTIVITY. SUDDENLY FROM THAT STANDARD, WHICH IS  
23           OFF THE CHART AS FAR AS THE TWO PERMITTING  
24           REGULATIONS, THERE ARE UNLIMITED NUMBERS OF

SEALED

25           CONTAINERS OUT THERE. I TRIED TO FIT AS MANY

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1 BOXES AS I COULD ON A PAGE, BUT I THINK YOU CAN  
2 ENVISION WHAT WE'RE TALKING ABOUT WITH MANY, MANY  
3 BOXES OUT THERE, NO LIMIT ON THEM OTHER THAN A  
4 WEEKLY REMOVAL FREQUENCY. IT WOULD BE VERY EASY  
5 TO LOSE TRACK OF THE TYPE OF MATERIAL OUT THERE.  
6 THERE IS NO SYSTEM FOR TRACKING THAT.

7 SUDDENLY WE JUMP DOWN TO A LIMITED  
8 VOLUME TRANSFER STATION, WHICH IS LESS THAN OR  
9 EQUAL TO 60 CUBIC YARDS. THAT'S ESSENTIALLY TWO  
10 30-YARD BOXES OUT IN THE WOODS SOMEWHERE THAT'S  
11 BEING USED. TYPICALLY, ALTHOUGH THOSE CONTAINERS  
12 ARE USED FOR TRANSFER, THEY'RE REALLY LIMITED IN  
13 THE AMOUNT OF TRANSFER THAT OCCURS. WE'RE TALKING  
14 MANY TIMES ONE DAY PER WEEK WHERE ANYTHING IS  
15 ACTUALLY PUT INTO THAT CONTAINER. TYPICALLY SOME  
16 FORM OR ANOTHER OF A COVER IS PUT ON THAT  
17 CONTAINER AND THEN USED -- ESSENTIALLY FUNCTIONS  
18 THEREAFTER FOR THE REST OF THE WEEK AS A SEALED  
19 OPERATION.

20 AND SO YOU'VE GOT UNLIMITED NUMBERS  
21 OF SEALED CONTAINERS OUT THERE, AND YOU'VE ALSO  
22 GOT A MAJOR REQUIREMENT AS FAR AS LIMITING  
23 CONTAINERS. AND ESSENTIALLY YOU GO FROM TWO  
24 DEBRIS BOXES TO UNLIMITED JUST BY THE FACT THAT  
25 THEY TRANSFER ONE DAY A WEEK. THAT'S WHAT THESE

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1           CONTAINERS ARE OUT THERE.

2                   THOSE ARE THE ONES THAT WERE TRYING  
3           TO BE ADDRESSED AS A PART OF THIS PACKAGE.

4                   THE MEDIUM AND LARGE VOLUME ONES  
5           WERE REMOVED FROM THIS PACKAGE BECAUSE OF THE  
6           URGENCY IN ADDRESSING APPARENTLY 12 RURAL TRANSFER  
7           STATIONS DEALING WITH THIS. I UNDERSTAND THE  
8           URGENCY FOR THAT AS IT RELATES TO AB 59 AND THE  
9           OCTOBER DEADLINE. I'M NOT SURE WHY THERE'S SUCH  
10          AN URGENCY WITH SEALED CONTAINERS AS FAR AS THE  
11          UNLIMITED NATURE. THAT DIDN'T SEEM TO BE PART OF  
12          THE STAFF'S SURVEY.

13                   THEN WE ALSO COME TO THE PERMIT  
14          TIERS, THE THREE BOXES ON THE RIGHT. THAT'S WHERE  
15          EVERYBODY ELSE IS NOW. WE HAVE A NUMBER OF SMALL  
16          VOLUME TRANSFER STATIONS OUT THERE WITH FULL-BLOWN  
17          PERMITS IN MANY RURAL COMMUNITIES OPERATING WITH  
18          FULL-BLOWN PERMITS JUST BECAUSE WE HAVE A SMALL  
19          AMOUNT OUT THERE. THAT'S WHAT THE STANDARD IS.  
20          AND THAT WAS THE WHOLE PURPOSE BEHIND THESE  
21          REGULATIONS WAS FOR THOSE SMALL OPERATIONS TO PUT  
22          THEM DOWN IN A LOWER TIER, NOT TO HAVE REGULATIONS  
23          DEALING WITH UNLIMITED NUMBERS OF CONTAINERS.

24                   AS FAR AS THE LACK OF CLARITY,  
25          THERE'S A COUPLE ISSUES THERE. ONE'S THE VOLUME

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1           ISSUE. WE TALKED ABOUT THAT. THERE'S ALSO A  
2           CONTAINER TYPE AND THE WASTE TYPE THAT HAS TO BE  
3           CONSIDERED, AS WELL AS THE ENVIRONMENTAL  
4           STANDARDS.

5                       THE VOLUME, AGAIN, IS BETWEEN  
6           UNLIMITED CONTAINERS VERSUS 60 CUBIC YARDS. I  
7           THINK THAT HAS A PRETTY CONSISTENT ASPECT TO IT.

8                       THE WASTE TYPE, ACTUALLY CONTAINER  
9           TYPE, WHICH WOULD BE THE NEXT PICTURES, MANY OF  
10          YOU HAVE SEEN THESE AS PART OF OUR COMMENTS AT THE  
11          PERMITTING AND ENFORCEMENT COMMITTEE, BUT FOR  
12          THOSE WHO HAVEN'T, THESE ARE THE OTHER TYPES OF  
13          CONTAINERS OUT THERE. THEY'RE VERY COMMON. MOST  
14          BUSINESSES HAVE THEM. SOME OF THEM ARE COM-  
15          PACTORS, WHICH I THINK THOSE PODS ARE ESSENTIALLY  
16          A TYPE OF COMPACTOR, LITTLE BIT MORE  
17          SOPHISTICATED, BUT THAT'S WHAT THEY ARE.

18                      THESE ARE OUR OWN CONTAINERS THAT  
19          WOULD MEET THAT DEFINITION. THEY'RE DEFINITELY  
20          COVERED. THERE'S VERY LITTLE ACCESS TO THEM. BUT  
21          THOSE ARE WHAT WE HAVE OUT THERE AS A TYPICAL  
22          TYPES OF CONTAINERS THAT WOULD MEET THAT DEFINI-  
23          TION OF WATERTIGHT.

24                      AND THEN WE ALSO HAVE SORT OF A  
25          LOWER SCALE-TYPE CONTAINER, WHICH IS AN OPEN  
TOP

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1           DEBRIS BOX WITH SEALS, COVERS ON THEM. THEY'RE  
2           METAL COVERS, THEY'D BE LOCKED IN PLACE. THAT  
3           WOULD ALSO MEET THE DEFINITION OF SEALED AS  
4           PROPOSED. AND THEY CAN BE MADE WATERTIGHT. THEY  
5           ARE FREQUENTLY USED FOR HAULING A VARIETY OF  
6           MATERIALS, INCLUDING LIQUIDS AND SEMISOLIDS,  
7           SLUDGES, FOOD WASTE, ALL THOSE KINDS OF NICE,  
8           LITTLE STINKING, ROTTEN GARBAGE PICTURES OUT  
9           THERE. THOSE ARE WHAT THOSE CONTAINERS WERE  
10          ORIGINALLY DESIGNED FOR.

11                       AND THEN WE HAVE ON THE LOWER SCALE  
12          BASICALLY AN OPEN-TOP DEBRIS BOX WHICH CAN BE MADE  
13          SEALED BY WELDING CHARACTERISTICS, AND ALSO THEY  
14          CAN BE MADE LIQUID-TIGHT FOR THIS DEFINITION BY  
15          PUTTING A COVER OVER THEM. SO UNLESS IT'S  
16          EXPLICIT IN THE REGULATIONS THAT THAT TYPE OF A  
17          SEALED CONTAINER IS OR IS NOT ALLOWED, WE'RE  
18          ASKING FOR A LARGE LOOPHOLE.

19                       THE WASTE TYPE IS A CONCERN, AS I  
20          MENTIONED. THERE IS NO DEFINITION IN HERE AS FAR  
21          AS WHAT IS LIMITED IN TYPES OF SEALED CONTAINERS.  
22          AND KEEPING IN MIND SEALED REGS, THE COMPACTORS  
23          AND PODS, OPEN-TOP DEBRIS BOXES WITH COVERS, THAT  
24          MATERIAL CAN BE JUST REGULAR MUNICIPAL WASTE. IT  
25          CAN ALSO BE FOOD WASTE, IT CAN BE GREASE TRAP

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1 WASTE, IT CAN BE SLUDGES, IT CAN BE SEWER  
2 SCREENINGS WITH A LOT OF OTHER MATERIALS. ALL  
3 THOSE TYPES OF WASTE STREAMS WOULD BE ALLOWED IN  
4 THERE. AND TO NOT ENVISION THOSE TYPES OF  
5 MATERIALS IMPOSING SOME SORT OF MINIMUM STANDARDS  
6 ISSUES, IT'S VERY DIFFICULT TO IMAGINE.

7 MOST OF THE LEA'S I'VE TALKED TO  
8 HAVE CONCERNS ABOUT UNLIMITED AMOUNTS OUT THERE OF  
9 THESE TYPES OF CONTAINERS.

10 LASTLY, THE DEFINITION ON TIGHTNESS  
11 AND SEALS. I DID A LITTLE WORD CHECK, AMERICAN  
12 HERITAGE. I DIDN'T HAVE WEBSTER'S HANDY. BUT  
13 WE'VE GOT TIGHT, WHICH IS THE DEFINITION USED OUT  
14 THERE AND USED WITHIN THE REGULATIONS, AND IT  
15 IMPLIES, THE FIRST ONE THERE IS SUCH CLOSED  
16 CONSTRUCTION AS TO BE IMPERMEABLE. THAT'S A  
17 PRETTY HIGH STANDARD TO BE CONSIDERED FOR TIGHT.  
18 AND I CAN -- I'M NOT GOING TO READ THROUGH THE  
19 WHOLE THING. THAT'S WHAT TIGHTNESS IMPLIES, SOME  
20 SORT OF IMPERMEABLE CONTAINER.

21 ALSO, WE HAVE A DEFINITION FOR  
22 AIRTIGHT, WHICH WAS IMPERMEABLE BY AIR. I  
23 COULDN'T FIND A DEFINITION OF LIQUID-TIGHT,  
24 BUT  
25 THAT WOULD ALSO IMPLY TO ME THAT IF AIRTIGHT

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IS

25 IMPERMEABLE BY AIR, LIQUID-TIGHT WOULD BE

1 IMPERMEABLE BY LIQUID.

2 THEN THERE'S ALSO THE LAST ONE  
3 DEALING WITH SEALED CONTAINERS, WHICH IS IT  
4 STARTED OFF WITH AN AIRTIGHT ENCLOSURE OR CLOSURE  
5 SO THAT THE CONTENTS CANNOT BE TAMPERED WITH.  
6 THERE'S ALSO UNDER SEALING OR SEALS TO BE ENCLOSED  
7 HERMETICALLY. IT'S A PRETTY TIGHT STANDARD TO BE  
8 USING WORDS LIKE LIQUID-TIGHT, TIGHT, SEALED  
9 CONTAINERS. THOSE ARE THE WORDS USED IN THE  
10 REGULATION.

11 I THINK THAT'S PROVIDING A VERY  
12 FALSE IMPRESSION OF HOW SECURE THESE CONTAINERS  
13 CAN BE GIVEN THE VARIETY OF TYPES OF CONTAINERS  
14 THAT MEET THE DEFINITIONS. SO WHEN WE'RE USING  
15 THESE WORDS AND TRYING TO GIVE IT A CLARITY TEST,  
16 I DON'T THINK THAT WAS APPLIED AS FAR AS THESE  
17 DEFINITIONS AND THE TERM "TIGHTNESS."

18 LASTLY, AS I SAID, THERE'S LEA  
19 CONCERNS OUT THERE. SOME OF THE LEA'S I'VE TALKED  
20 TO HAVE CONCERNS ABOUT UNLIMITED NUMBERS OF  
21 CONTAINERS OUT THERE. COUPLE OF CONTAINERS, EVEN  
22 IN THE BOARD'S DISCUSSIONS IN 1990 FROM LEGAL  
23 COUNSEL, ACKNOWLEDGED LIMITS ON THE AMOUNT OF  
24 CONTAINERS OUT THERE OF CONCERN. I THINK THAT  
25 THRESHOLD IS STILL IN EFFECT, AND I THINK WE NEED

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1 TO HAVE SOME SORT OF CONSISTENCY BETWEEN THOSE  
2 REGULATIONS.

3 I'VE HEARD OF SOME IMPRESSIVE  
4 DESIGNS OF SOME OF THESE TRANSFER FACILITIES OUT  
5 THERE USING SOME OF THESE CONTAINERS. AND IF  
6 THESE CONTAINERS ARE AS BENIGN, MAKES ME WONDER  
7 WHY THEY HAVE CONCRETE PADS OR LEACHATE COLLECTION  
8 SYSTEMS ON SOME OF THESE. IF THERE WASN'T A  
9 CONCERN, WHY DID THEY IMPOSE THAT KIND OF A  
10 STANDARD ON IT?

11 SO AS FAR AS WHAT OUR CONCERN IS,  
12 AND I'LL TURN IT OVER TO TODD HERE, ESSENTIALLY  
13 THE LACK OF CLARITY FOR DEFINITIONS AND THE  
14 CONSISTENCY ASPECTS. I THINK IT PRETTY MUCH LEADS  
15 TO HAVING SOME SORT OF UPPER THRESHOLD ON THE  
16 TYPES OF CONTAINERS OUT THERE IN TERMS OF BEING  
17 EQUITABLE IN TERMS OF THE EXISTING STANDARDS AND  
18 PROPOSED STANDARDS OUT THERE. AND THAT AT LEAST  
19 WE WOULD PREFER TO SEE CONSISTENCY THROUGHOUT THE  
20 WHOLE TIERS USING THE 60 THRESHOLD FOR SEALED  
21 CONTAINERS AND 60 CUBIC YARDS, ALTHOUGH IF THERE  
22 IS SUFFICIENT JUSTIFICATION, THERE MIGHT BE THE  
23 ABILITY TO GO HIGHER FROM THAT. I DON'T THINK WE  
24 HAVE ENOUGH INFORMATION. WITH THAT, I'LL TURN IT  
25 OVER TO TODD.

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1 (RECESS TAKEN.)

2 CHAIRMAN PENNINGTON: FOLKS, WE'RE BACK.  
3 SOME FOLKS HAVE ASKED ABOUT THE POSSIBILITY OF  
4 REBUTTING SOME OF THE STUFF THAT'S BEEN SAID. I  
5 NORMALLY WOULD DO THAT, BUT WE'VE STILL GOT  
6 ANOTHER BIG MAJOR ISSUE TO DEAL WITH, AND WE'VE  
7 GOT ABOUT AN HOUR AND 10, 15 MINUTES TO GET  
8 THROUGH IT, SO WE NEED TO KEEP ON TRACK. I THINK  
9 EVERYBODY IS WELL UNDERSTOOD AND HEARD.

10 GO AHEAD, MR. THOMPSON.

11 MR. THOMPSON: I'LL TRY AND BE QUICK, MR.  
12 CHAIRMAN. AS I SAID, I WANTED TO ADDRESS THE  
13 LEGAL ASPECT OF THIS AND, OF COURSE, ANYTHING THE  
14 BOARD DOES TODAY HAS TO BE SUPPORTABLE OR  
15 JUSTIFIED OR CONSISTENT WITH THE PUBLIC RESOURCES  
16 CODE.

17 WHEN THE PUBLIC RESOURCES CODE WAS  
18 ENACTED IN 1989, IT EXEMPTED CERTAIN TYPES OF  
19 FACILITIES OR WHAT WERE CALLED OPERATIONS FROM THE  
20 DEFINITION OF A TRANSFER STATION. AND THE TYPE OF  
21 OPERATION WE'RE TALKING ABOUT TODAY WAS COVERED BY  
22 40200(B)(3). IT SAYS THAT THIS TYPE OF AN  
23 OPERATION IS EXEMPT AS LONG AS, AND YOU CAN SEE  
24 THE YELLOW HIGHLIGHTED LANGUAGE, AS LONG AS IT IS  
25 CONSISTENT WITH REGULATIONS ADOPTED PURSUANT TO

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1           SECTION 43309. WE'VE HEARD 43309 ALREADY. THAT'S  
2           HOW THIS BECOMES AN ISSUE.

3                       AT THE BOTTOM OF THE TRANSPARENCY IS  
4           43309. IT AUTHORIZES THIS BOARD TO ADOPT  
5           REGULATIONS EXEMPTING OR EXCLUDING CERTAIN TYPES  
6           OF OPERATIONS FROM PERMIT REGULATIONS, BUT IT SAYS  
7           THAT THE REGULATION SHALL PROHIBIT THE STORING OF  
8           MORE THAN 90 CUBIC YARDS OF WASTE IN COVERED  
9           CONTAINERS DURING ANY 72-HOUR PERIOD.

10                      WELL, THESE LIQUID-TIGHT CONTAINERS  
11           ARE COVERED CONTAINERS. THAT'S EXACTLY WHAT THIS  
12           STATUTE IS TALKING ABOUT. AND WHAT THE STATUTE  
13           SAYS IS THAT THIS BOARD IS TO PROHIBIT IN A  
14           NONPERMITTED FACILITY THE STORAGE OF WASTE FOR  
15           MORE THAN 72 HOURS OR IN A QUANTITY MORE THAN 90  
16           CUBIC YARDS.

17                      WHAT WE HAVE HERE IN THIS NOTIFI-  
18           CATION TIER IS AN UNLIMITED AMOUNT OF WASTE STORED  
19           FOR UP TO A WEEK IN COVERED CONTAINERS. NOW,  
20           UNDERSTAND THAT WHEN THIS STATUTE WAS ADOPTED IN  
21           1989, IT WAS BEFORE THE TIERING REGULATIONS, AND  
22           THE BOARD HAS GIVEN ITSELF A CONSIDERABLE AMOUNT  
23           OF FLEXIBILITY IN THE TIERING REGULATIONS.

24                      NEVERTHELESS, I THINK THAT TO  
25           COMPARE AN UNLIMITED QUANTITY OF WASTE STORED FOR

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1           A WEEK, WITH THE LEGISLATIVE INTENT EXPRESSED  
2           HERE, WHICH IS THAT A PERMIT WOULD BE REQUIRED,  
3           AND THAT'S A FULL PERMIT, FOR ANY FACILITY OR  
4           OPERATION THAT STORES MORE THAN 90 CUBIC YARDS FOR  
5           ANY 72-HOUR PERIOD, IT SEEMS TO ME THAT THE  
6           DIFFERENCE THERE IS SO DRAMATIC THAT IT CAN'T BE  
7           JUSTIFIED BY ANY ADDITIONAL DISCRETION OR  
8           FLEXIBILITY THAT'S PROVIDED BY THE TIERING  
9           PROCESS.

10                       BASICALLY THE LEGISLATURE INTENDED A  
11           FULL PERMIT FOR ANY OPERATION MORE THAN 90 CUBIC  
12           YARDS FOR MORE THAN 72 HOURS. THIS NOTIFICATION  
13           REQUIREMENT FOR A FACILITY THAT HAS UNLIMITED  
14           WASTE FOR A WEEK GOES FAR BEYOND THAT, IS WAY OUT  
15           OF LINE WITH ANYTHING THE LEGISLATURE WOULD HAVE  
16           INTENDED. IT'S COMPLETELY, WHOLLY INCONSISTENT  
17           WITH 43309. SO THAT'S -- AND THAT'S WHY WE SAY  
18           THAT THESE REGULATIONS ARE SIMPLY NOT AUTHORIZED  
19           BY THE LAW.

20                       TO SUM UP, AND THEN I'LL CLOSE, BUT  
21           IN ORDER TO ACCOMMODATE WHAT BASICALLY WAS THE  
22           TECHNOLOGY OF ONE COMPANY, THE BOARD IS HERE  
23           OPENING A FAIRLY LARGE LOOPHOLE IN THE REGULATORY  
24           STRUCTURE; WHEREAS, HERE WE'VE GOT A LIMITED  
25           VOLUME -- A LIMITED VOLUME TRANSFER STATION IS

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1 LIMITED TO 60 CUBIC YARDS PER DAY. IF YOU PUT A  
2 LID ON THAT, ON THE BOX AFTER YOU FILL IT UP AT  
3 THAT TRANSFER STATION, YOU CAN ACCUMULATE AS MANY  
4 AS YOU WANT FOR UP TO A WEEK, AND BASICALLY THAT  
5 MAKES NO SENSE.

6 AND IT'S ALSO CLEARLY CONTRADICTORY  
7 TO THE LEGISLATIVE DISCRETION -- I'M SORRY -- THE  
8 DISCRETION GRANTED TO THE BOARD BY THE LEGISLA-  
9 TURE. SO AS A RESULT, WE WOULD CONCUR WITH MR. --  
10 WITH EVAN WHEN HE SAYS THAT SOME LIMIT SHOULD BE  
11 PLACED ON THIS. IN OTHER WORDS, INSTEAD OF HAVING  
12 AN UNLIMITED VOLUME STORED FOR ANY PERIOD OF TIME,  
13 IT SHOULD BE A REASONABLE LIMIT, WHICH OBVIOUSLY  
14 WILL HAVE TO BE DECIDED UPON BY THE BOARD.

15 WE'RE NOT TRYING TO OUTLAW WASTE  
16 MANAGEMENT'S TECHNOLOGY, AND WE'RE NOT TRYING TO  
17 INTERFERE WITH THE SYSTEM SET UP BY FORT BRAGG AND  
18 THE CITY OF OCEANSIDE. WE'RE SIMPLY TRYING TO  
19 ASSURE THAT THERE'S A LIMIT ON WHAT CAN BE DONE  
20 HERE UNDER THE NOTIFICATION TIER. THANK YOU. ANY  
21 QUESTIONS?

22 CHAIRMAN PENNINGTON: ANY QUESTIONS OF  
23 MR. THOMPSON?

24 BOARD MEMBER FRAZEE: I JUST WANT TO  
25 FOLLOW UP A BIT BECAUSE YOU EXPRESSED WHAT THE

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1 INTENT OF THE LEGISLATURE WAS IN ADOPTING THIS,  
2 AND I THINK I'M THE ONLY ONE HERE WHO VOTED ON  
3 THIS BILL. AND SO I GUESS I CAN ASSUME WHAT MY  
4 INTENT WAS. I WON'T GO THAT FAR.

5 BUT THE ARGUMENT THAT THEY ONLY  
6 INTENDED A FULL PERMIT, AND IT'S MY VIEW, AND  
7 SOMEONE CORRECT ME IF I'M WRONG, THAT A  
8 NOTIFICATION TIER IS A PERMIT.

9 MR. DIER: NO, IT'S NOT, MR. FRAZEE.  
10 UNDER THE REGULATORY TIER STRUCTURE, THE PERMIT  
11 BEGINS AT THE REGISTRATION LEVEL.

12 BOARD MEMBER FRAZEE: WE CAN CALL IT A  
13 NOTIFICATION PERMIT. THEY MUST NOTIFY US THAT  
14 THEY'RE THERE. WE HAVE SOME REGULATION OVER THEM,  
15 SO WE MUST BE --

16 MR. DIER: WE DO HAVE STANDARDS FOR  
17 OPERATION AND THE NOTIFICATION SO THAT WE ARE  
18 AWARE OF THEM AND THE LEA'S ARE AWARE OF THEM.

19 BOARD MEMBER FRAZEE: MAYBE IF WE  
20 BORROWED LARRY'S DICTIONARY. IT'S MY CONTENTION  
21 THAT IT IS A FORM OF A PERMIT IF WE'RE GUESSING  
22 WHAT THE LEGISLATURE INTENDED WHEN THEY DID THIS.

23 MR. THOMPSON: THAT MAY BE TRUE, BUT I  
24 DON'T THINK IT'S THE TYPE OF PERMIT THAT THE  
25 LEGISLATURE ENVISIONED, ALTHOUGH WE CAN ARGUE

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1           ABOUT THAT. I THINK WHEN THE LEGISLATURE TALKED  
2           ABOUT A PERMIT, THEY MEANT MORE THAN SIMPLY  
3           NOTIFYING THE BOARD THAT YOU'RE THERE, WHICH IS  
4           WHAT THE NOTIFICATION TIER IS ALL ABOUT.

5                       I'M SORRY. SO I THINK THAT WHETHER  
6           YOU CALL IT A PERMIT OR NOT AT THE NOTIFICATION  
7           LEVEL, STILL I THINK THE LEGISLATURE WAS  
8           ENVISIONING CONSIDERABLY MORE REGULATION THAN  
9           THAT.

10                      BOARD MEMBER FRAZEE: THAT'S WHAT A  
11           FISHING LICENSE IS. IT'S A PERMIT TO FISH. BUT  
12           ALL IT REALLY IS IS NOTIFYING FISH AND GAME IN THE  
13           STATE OF CALIFORNIA THAT YOU ARE GOING TO FISH.  
14           IT DOESN'T REQUIRE ANY MORE THAN THAT, AND IT IS A  
15           PERMIT.

16                      MR. SWEETSER: LARRY SWEETSER AGAIN.  
17           FROM MY UNDERSTANDING, WHEN -- HAVING BEEN THERE  
18           WHEN WE WERE TALKING ABOUT THE TIERS AND SETTING  
19           UP THE WHOLE TIER STRUCTURE BEFORE THIS TIER, WAS  
20           THAT THE CUTOFF LINE WAS BETWEEN NOTIFICATION AND  
21           REGISTRATION AS WHAT IS A FACILITY AND WHAT IS NOT  
22           A FACILITY. AND A FACILITY WAS THOSE THAT WERE  
23           DEEMED TO HAVE A PERMIT; WHEREAS, OPERATIONS WERE  
24           NOTIFICATION AND OTHERS FOR THOSE OPERATIONS  
25           AUTHORIZED TO HANDLE SOLID WASTE.

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1                   SO YOU'RE GIVING THEM AUTHORIZATION  
2                   TO OPERATE, BUT YOU ARE NOT GIVING THEM A PERMIT  
3                   UNTIL THEY HIT A REGISTRATION TIER. THAT WAS IN  
4                   THE FUNDAMENTAL DEFINITION OF REGISTRATION AND  
5                   ABOVE FOR THE TIERED PERMITTING REGULATIONS.

6                   BOARD MEMBER CHESBRO: THE OLD FACILITY  
7                   VERSUS OPERATION DIFFERENCE.

8                   BOARD MEMBER FRAZEE: THAT FURTHERS THE  
9                   ARGUMENT HERE A BIT. TAKE THE FACILITY THAT I'M  
10                  FAMILIAR WITH AND WHAT'S BEEN DISCUSSED HERE, THE  
11                  CITY OF OCEANSIDE. PRIOR TO THE TIME THAT THEY  
12                  BEGAN THE POD SYSTEM, NO PERMIT FROM THE STATE OF  
13                  CALIFORNIA WAS REQUIRED TO OPERATE THAT YARD,  
14                  CORRECT?

15                 MR. SWEETSER: MY UNDERSTANDING WAS IT  
16                 WAS UNCLEAR WHAT WAS TO BE NEEDED, AND THEY WERE  
17                 ALLOWED TO OPERATE UNDER ESSENTIALLY --

18                 BOARD MEMBER FRAZEE: PREPOD SYSTEM WHEN  
19                 THEY WERE BRINGING ORDINARY OVER-THE-ROAD TRUCKS  
20                 IN, NO PERMIT WAS REQUIRED FROM THE STATE OF  
21                 CALIFORNIA. IT'S AN OPERATIONAL FACILITY, HENCE  
22                 EXEMPT FROM PERMITTING.

23                 MR. SWEETSER: I DON'T KNOW THE  
24                 PARTICULARS ON THAT ONE. I JUST KNOW IN OUR CASE  
25                 WE HAVE ABOUT SIX ACTIVITIES THAT ARE REGULATED

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1           FOR FULL-BLOWN PERMITS FOR HANDLING SMALL AMOUNTS  
2           OF MATERIAL.

3                   BOARD MEMBER FRAZEE:   IN THAT CASE THEY  
4           COULD HAVE KEPT THREE OR FOUR OR FIVE TRUCKS THERE  
5           OVER THE WEEKEND FULL OF WASTE AND NOT BEEN IN  
6           VIOLATION OF ANYTHING EXCEPT MAYBE THEIR  
7           CONDITIONAL USE PERMIT WITH THE CITY, BUT NOT A  
8           VIOLATION OF ANY STATUTE.

9                   MR. SWEETSER:   43309.

10                   BOARD MEMBER FRAZEE:   BUT WHEN THEY  
11           CHANGED THE SHAPE OF THESE CONTAINERS, THEN I  
12           THINK YOU ARE SUGGESTING THEN THEY SHOULD COME  
13           UNDER SOME LEVEL OF REGULATION BECAUSE THE  
14           CONTAINERS ARE A DIFFERENT SHAPE.

15                   MR. SWEETSER:   NOT SO MUCH SHAPE, IT'S  
16           THE VOLUME THAT'S HELD WITHIN WHATEVER SHAPE YOU  
17           HAVE, THE 90-CUBIC-YARD PROVISION IN THE EXISTING  
18           STATUTE 43309.

19                   BOARD MEMBER FRAZEE:   BUT IF THEY PARK  
20           TEN TRUCKS FULL OF WASTE THERE, THEY WOULD HAVE  
21           EXCEEDED THAT AND THERE WOULD HAVE BEEN NO  
22           VIOLATION OF STATE STANDARDS.

23                   MR. SWEETSER:   WE'VE HAD MANY ARGUMENTS  
24           WITH LEA'S WHETHER THE CUBIC YARDS EXIST, THE  
25           43309, WHETHER THAT CONTAINER WAS HALF FULL OR

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1           WHETHER IT WAS FULL. SO THAT STATUTE HAS BEEN OUT  
2           THERE AND BEING USED BOTH TO KEEP HAULERS IN LINE  
3           ESSENTIALLY, WHAT THEY COULD STORE IN THEIR YARD  
4           REGULARLY. THAT'S WHAT THAT STATUTE IS FOR IS  
5           THAT THEY FELT -- APPARENTLY FELT THAT 90 CUBIC  
6           YARDS WAS A REASONABLE AMOUNT TO KEEP OUTSIDE OF  
7           ANY SORT OF TIERED PERMITTING REGULATION. THAT'S  
8           WHY IT WAS GIVEN THAT EXPLICIT EXEMPTION.

9                   CHAIRMAN PENNINGTON: OKAY.

10                   BOARD MEMBER RELIS: MR. CHAIR, HOUR IS  
11           GETTING LATE, AND WE'VE GOT, WHAT, HALF HOUR TO  
12           WRAP UP.

13                   CHAIRMAN PENNINGTON: NO. WE'RE ALL  
14           RIGHT TILL 5:30.

15                   BOARD MEMBER RELIS: 5:30. OH, OKAY.

16                           I'D LIKE TO OFFER A SUGGESTION  
17           RELATED TO LANGUAGE THAT -- WELL, LET ME JUST READ  
18           IT AND SEE IF THIS WORKS. IT SEEMS TO ME, AFTER  
19           HEARING ALL THIS TESTIMONY, WHAT WE WANT IS A  
20           SEALED CONTAINER TO PREVENT INTRUSION OR LEAKAGE  
21           OF WATER, THE MIGRATION OF VECTORS, AND THE  
22           RELEASE OF ODOR WITH A RETENTION TIME NOT TO  
23           EXCEED 72 HOURS.

24                           IT SEEMS TO ME THAT GIVES THE LONG  
25           WEEKENDS, WHICH COMES UP IN THESE ISSUES, IT

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1           ANSWERS THE QUESTION OF IT'S NOT UNLIMITED, AND  
2           THE CHARACTERISTICS THAT WE'RE AFTER THAT WE  
WOULD  
3           BE ASKING THE LEA TO ENFORCE ARE ESSENTIALLY, IT  
4           SEEMS TO ME, THE LEAKAGE ISSUE, ODOR, AND WE  
DON'T  
5           WANT VECTORS CLIMBING IN AND OUT.  THOSE ARE OUR  
6           TRADITIONAL RESPONSIBILITIES, AND I WONDERED IF  
7           THAT COULD BE IT, ONE SENTENCE.

8                   CHAIRMAN PENNINGTON:  MR. DIER, WHAT DO  
9           YOU THINK?

10                   MR. DIER:  I THINK IT'S -- WELL, I'D  
LIKE  
11           TO ADDRESS ONE ISSUE, AND THAT IS ODORS  
12           SPECIFICALLY.  WE'VE TAKEN -- WE'VE SPECIFICALLY  
13           NOT ADDRESSED ODOR AS A STANDARD BECAUSE THAT  
14           UNDER 1220 IS REGULATED UNDER AIR RESOURCES  
BOARD.

15           WE APPROACH ODORS IN THE GENERAL NUISANCE  
16           PROVISIONS IN THE REGULATIONS.

17                   THE REST OF THE PROPOSAL IS DOABLE.  
18           WE CAN COME UP WITH SOME LANGUAGE.  WE NEED --  
19           I'LL LET ELLIOT JUMP IN HERE.

20                   BOARD MEMBER RELIS:  WE'D DO THAT AS A  
21           POSTHASTE EMERGENCY.

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22 MR. DIER: WE WOULD NEED TO GO BACK OUT  
23 TO ANOTHER 15-DAY COMMENT WITH THAT CHANGE.

24 MR. BLOCK: LET ME JUST JUMP IN WITH  
SOME  
25 LOGISTICAL ISSUES, I GUESS. IF YOU WANT TO MAKE  
A

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1 CHANGE OF THE TYPE THAT YOU ARE TALKING ABOUT,  
2 CHANGING THE DEFINITION, CHANGING SUBSTANCE, IT'S  
3 SOMETHING THAT WOULD REQUIRE A 15-DAY.

4 THE ORIGINAL SCHEDULE FOR THESE  
5 REGULATIONS HAD THEM BEING APPROVED BY OAL ON  
6 SEPTEMBER 16TH, THE MONTH BEFORE THE OCTOBER 16TH  
7 DEADLINE, PRIMARILY BECAUSE AT THE TIME THEY  
8 INCLUDED REGISTRATION PERMITS AND THE LIKE, AND SO  
9 THESE REGULATIONS WOULD BE IN PLACE A MONTH AHEAD  
10 OF TIME. THE SCALED-DOWN VERSION DOES NOT HAVE  
11 THOSE, AND SO THAT ISSUE IS NOT THERE ANYMORE.

12 SAT DOWN, COUNTED SOME DAYS, IF YOU  
13 WANTED TO DO A 15-DAY, THIS WOULD COME BACK TO THE  
14 BOARD MEETING IN AUGUST. AUGUST 28TH BOARD  
15 MEETING, IF THE RULEMAKING FILE WERE FILED THE  
16 FRIDAY AFTER THAT WEDNESDAY BOARD MEETING, TWO  
17 DAYS LATER, SO IT IS A PRETTY TIGHT SCHEDULE,  
18 THESE REGULATIONS WOULD BE, ASSUMING THAT ALL WENT  
19 FINE, THESE REGULATIONS WOULD BE APPROVED ON  
20 OCTOBER 14TH, TWO DAYS BEFORE THE DEADLINE.

21 THERE ARE GOING TO BE A LOT OF  
22 NOTIFICATIONS COMING IN THAT LAST DAY. THERE'S AN  
23 ISSUE THAT SOME OPERATORS MAY HAVE WITH THE  
24 WAITING TILL THE LAST MINUTE, WHICH I DON'T KNOW  
25 IF YOU WANT TO EXPLORE.

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1 THE OTHER OPTION THAT YOU HAVE, I'LL  
2 THROW IT OUT THERE, IS THESE REGULATIONS CAN  
3 CONTINUE ON SORT OF THE NORMAL PATH, AND WE COULD  
4 DO SOME EMERGENCY REGULATIONS CONCURRENTLY JUST TO  
5 GET SOMETHING ON THE BOOKS FASTER ONCE WE DECIDED  
6 WHAT THAT DEFINITION NEEDED TO BE. THAT WOULD  
7 THEORETICALLY GIVE YOU SOME MORE TIME TO CONSIDER  
8 EXACTLY WHAT YOU WANTED THAT DEFINITION TO LOOK  
9 LIKE. BUT, AGAIN, IT PROLONGS THE ULTIMATE  
10 PROCESS FOR THE PERMANENT REGS.

11 BOARD MEMBER RELIS: I'M NOT LOOKING TO  
12 PROLONG THIS.

13 MR. BLOCK: SIX OF ONE, HALF A DOZEN OF  
14 ANOTHER.

15 BOARD MEMBER RELIS: I THINK THE LOCAL  
16 GOVERNMENTS NEED CERTAINTY ON THIS ISSUE. SO IF  
17 IT CAN BE DONE IN THIS TIME, IT'S OKAY WITH ME.  
18 IF THERE'S SOME HANG-UP...

19 CHAIRMAN PENNINGTON: WHAT ABOUT A  
20 MOTION?

21 BOARD MEMBER RELIS: WHAT'S THE  
22 PLEASURE?

23 I'M OFFERING LANGUAGE. I DON'T KNOW IF IT WORKS  
24 OR NOT, BUT THAT'S WHAT I HEAR IT ADDRESSING. WE  
25 CAN GO ROUND AND ROUND WITH THIS.

MR. BLOCK: LET ME THROW ONE OTHER THING

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1           IN.   IF WE WERE TO GO OUT TO A 15-DAY, THAT 15-  
DAY

2           COMMENT PERIOD WOULD NOT BE OVER BEFORE THE  
AUGUST

3           P&E MEETING.   SO YOU'D PROBABLY HAVE THAT JUST  
4           COMING DIRECTLY BACK TO THE BOARD.

5                   BOARD MEMBER RELIS:   IT WOULD GO  
DIRECTLY

6           TO BOARD?

7                   CHAIRMAN PENNINGTON:   GO DIRECTLY TO THE  
8           BOARD.

9                   BOARD MEMBER RELIS:   WE'VE HEARD IT  
10          ENOUGH, HAVEN'T WE?

11                  CHAIRMAN PENNINGTON:   LET'S DO THE  
12          15-DAY.   HOW ABOUT THE LANGUAGE?   YOU WANT TO  
13          FRAME A MOTION WITH THE LANGUAGE IN IT?

14                  BOARD MEMBER RELIS:   I MOVE LANGUAGE AS  
15          FOLLOWS:   A SEALED CONTAINER TO PREVENT INTRUSION  
16          OR LEAKAGE OF WATER AND MIGRATION OF VECTORS.  
17          RETENTION TIME UNDER NOTIFICATION NOT TO EXCEED  
72  
18          HOURS.   THAT'S OF WASTE.

19                  BOARD MEMBER FRAZEE:   I THINK THE WORD  
20          "SEALED" ADDS ANOTHER CONNOTATION.

21                  BOARD MEMBER RELIS:   DID I SAY SEALED?

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22                               BOARD MEMBER FRAZEE:   YOU SAID SEALED,  
23                               AND I THINK THAT MAKES IT MORE RESTRICTIVE.  
24                               BOARD MEMBER RELIS:   WELL, THAT'S WHAT -  
-  
25                               IS THAT A PROBLEM OR JUST TO REFERENCE SEALED?

1                   BOARD MEMBER FRAZEE:   SEALED IS A HIGHER  
2                   STANDARD THAN ALL THE OTHER THINGS THAT YOU LOOK  
3                   AT.

4                   BOARD MEMBER RELIS:   I GUESS I WAS TRYING  
5                   TO PUT WHAT SEALED MEANS IN CONTEXT.   I DON'T KNOW  
6                   WHAT TO SAY.

7                   SEALED CONTAINER TO PREVENT  
8                   INTRUSION OR LEAKAGE OF WATER, MIGRATION OF  
9                   VECTORS, PERIOD, SINCE WE CAN'T DO ODOR.  
10                  RETENTION TIME UNDER NOTIFICATION NOT TO EXCEED 72  
11                  HOURS.

12                  CHAIRMAN PENNINGTON:   DID YOU HAVE A  
13                  COMMENT, KENT?

14                  MR. STODDARD:   YEAH.   MR. CHAIRMAN, WE  
15                  WOULD REQUEST 96 HOURS IF THERE'S GOING TO BE AN  
16                  ABSOLUTE TIME CERTAIN LIMIT.   IT WOULD BE RARE, A  
17                  VERY RARE OCCASION, BE A LONG FOUR-DAY-TYPE  
18                  WEEKEND SITUATION IN WHICH WE MIGHT NEED 96 HOURS.

19                  I DID WANT TO SAY I'M VERY NERVOUS  
20                  ABOUT TAKING THIS TO THE ABSOLUTE ELEVENTH HOUR  
21                  AND GOING BACK OUT FOR A 15-DAY REVIEW AND TRYING  
22                  TO WRITE THE LANGUAGE HERE TODAY.   I WOULD  
23                  STRONGLY RECOMMEND THAT THE BOARD ADOPT THESE  
24                  REGULATIONS THAT ARE BEFORE THEM, AND THEN AT A  
25                  SLIGHTLY MORE LEISURELY PACE WORK ON THE CLARI-

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1 FICATION TO BE DONE IN SUBSEQUENT RULEMAKING.

2 WE ARE VERY SUPPORTIVE OF WHAT YOU  
3 ARE TRYING TO DO. IT COMES CLOSER TO DESCRIBING  
4 THE TYPE OF SYSTEM THAT WE OPERATE; BUT IF THERE'S  
5 ANY GLITCH BETWEEN NOW AND OCTOBER 16TH, IT'S  
6 GOING TO BE, YOU KNOW, A SERIOUS PROBLEM.

7 CHAIRMAN PENNINGTON: WHAT HAPPENS IF OAL  
8 REJECTS THESE?

9 MR. BLOCK: THAT WOULD BE A PROBLEM AS  
10 WELL. THAT IS ALWAYS A POSSIBILITY THAT'S THERE  
11 WHEN YOU'RE TAKING IT TO THE LAST DATE.

12 MIGHT I SUGGEST IN TERMS -- THERE'S  
13 TWO DIFFERENT PROBLEMS. ONE IS AN OAL PROBLEM,  
14 WHICH I MEAN I CAN SAY THAT I'M CONFIDENT WE WOULD  
15 BE OKAY WITH IT. YOU NEVER KNOW WHAT THEY'RE  
16 GOING TO DO.

17 THE OTHER PROBLEM, THOUGH, IS  
18 THEORETICALLY IF THERE'S STILL ISSUES ABOUT THE  
19 LANGUAGE THAT WE PICK TODAY AT THE AUGUST MEETING,  
20 THEORETICALLY THE OTHER OPTION I RAISED WAS IN  
21 TERMS OF EMERGENCY REGULATIONS. IF WE GOT STUCK  
22 AT THE AUGUST MEETING, YOU COULD HAVE THAT OPTION  
23 AGAIN BECAUSE THAT'S STILL A MONTH AND A HALF  
24 BEFORE THE OCTOBER 16TH DEADLINE, FAIL SAFE.

25 BOARD MEMBER CHESBRO: SO YOU'RE SAYING

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1 WE WOULDN'T NEED TO SET UP A PARALLEL PROCESS  
2 UNTIL THE AUGUST MEETING IF IT APPEARED NECESSARY  
3 AT THAT POINT WITH THE EMERGENCY?

4 MR. BLOCK: IN TERMS OF ISSUES ABOUT  
5 LANGUAGE, IF THERE'S STILL A REMAINING ISSUE ABOUT  
6 LANGUAGE. I'M JUST RESPONDING TO THE CONCERN  
7 ABOUT WRITING THE LANGUAGE HERE TODAY AS WE SIT.

8 IN TERMS OF DOING A 15-DAY, WE NEED  
9 TO -- STAFF IS GOING TO NEED TO KNOW HOW YOU WANT  
10 THAT PHRASED, BUT --

11 BOARD MEMBER CHESBRO: WELL, YOU KNOW,  
12 I'M ALWAYS CONCERNED ABOUT THE UNINTENDED  
13 CONSEQUENCES FACTOR, YOU KNOW, WHERE IT SOUNDS  
14 REALLY GOOD RIGHT AT THE MOMENT WHEN WE ALL WOULD  
15 LIKE TO GET ON WITH THINGS, AND THEN WE FIND OUT  
16 TWO DAYS LATER, SOMEBODY SAYS, WELL, WHAT ABOUT  
17 THIS. OH. THAT HAPPENS. WE'VE TAKEN SOME RISK  
18 WITH THAT IF WE DON'T HAVE THAT OTHER OPTION, BUT  
19 PERHAPS THE EMERGENCY REG OPTION IN AUGUST  
20 PROVIDES THAT ALTERNATIVE IF WE DO GET STUCK. I  
21 DON'T KNOW.

22 CHAIRMAN PENNINGTON: I THINK THAT WORKS,  
23 YES.

24 MR. BLOCK: SO I CAN EXPLAIN IN TERMS OF  
25 EMERGENCY REGULATIONS, THE REVIEW PERIOD OF TIME

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1           ON EMERGENCY REGULATIONS IS TEN CALENDAR DAYS, SO  
2           THAT'S THE TIME FRAME WE'RE LOOKING AT IN TERMS OF  
3           DECIDING IN AUGUST THAT YOU WANTED TO DO THAT.

4           CHAIRMAN PENNINGTON:   OKAY.   YOU WANT TO  
5           RESTATE YOUR MOTION AND CHANGE THE TIME?

6           BOARD MEMBER RELIS:   NINETY-SIX IS THE  
7           PROPOSED?

8           CHAIRMAN PENNINGTON:   THAT'S FOUR DAYS.

9           BOARD MEMBER RELIS:   SO CONCEIVABLY YOU  
10          COULD HAVE A FOUR-DAY, BUT NO MORE THAN THAT.

11          CHAIRMAN PENNINGTON:   SO IT WOULD END UP  
12          FOUR.   WE'RE TALKING ABOUT A WEEK AND A WEEK.

13          BOARD MEMBER FRAZEE:   NO, IT'S STILL --

14          CHAIRMAN PENNINGTON:   SO THAT WOULD BE  
15          ELEVEN DAYS.

16          MR. DIER:   MR. CHAIRMAN, JUST A  
17          CLARIFICATION, THAT 96 HOURS WOULD ONLY APPLY TO  
18          SEALED CONTAINERS, NOT BE THE ENTIRE NOTIFICATION  
19          TIER.   IT'S JUST THE SEALED CONTAINERS.

20          BOARD MEMBER RELIS:   YEAH.   THAT'S ALL  
21          WE'RE DEALING WITH HERE.

22          CHAIRMAN PENNINGTON:   YOU'VE MOVED THAT.  
23          WE HAVE A SECOND HERE?

24          BOARD MEMBER FRAZEE:   YES, I'LL SECOND.

25          CHAIRMAN PENNINGTON:   OKAY.   WE HAVE A

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1 SECOND. YOU CLEAR ON THE LANGUAGE?

2 MR. DIER: YES, SIR.

3 CHAIRMAN PENNINGTON: OKAY. IF THERE'S  
4 NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE  
5 ROLL.

6 BOARD SECRETARY: BOARD MEMBER CHESBRO.

7 BOARD MEMBER CHESBRO: AYE.

8 BOARD SECRETARY: FRAZEE.

9 BOARD MEMBER FRAZEE: AYE.

10 BOARD SECRETARY: GOTCH.

11 BOARD MEMBER GOTCH: AYE.

12 BOARD SECRETARY: RELIS.

13 BOARD MEMBER RELIS: AYE.

14 BOARD SECRETARY: CHAIRMAN PENNINGTON.

15 CHAIRMAN PENNINGTON: AYE. NOW WE'LL  
GET

16 READY FOR THE EMERGENCY REGS IF WE HAVE TO.

17 NEXT ITEM ON THE AGENDA IS  
18 CONSIDERATION OF STATE LEGISLATION, AB 626, SHER,  
19 SOLID WASTE MANAGEMENT ADVISORY COMMITTEE,  
20 FINANCIAL ASSURANCE.

21 MS. RICE: I WILL PRESENT THE ITEM. I  
AM

22 DOROTHY RICE. AS INDICATED PREVIOUSLY, THE ONLY  
23 REMAINING BILL FOR YOUR CONSIDERATION TODAY IS AB

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24                    626 BY SENATOR BYRON SHER, WHICH IS NOW A BILL,  
IN  
25                    ITS CURRENT FORM, THAT'S SPONSORED BY THE  
REGIONAL

1 COUNCIL OF RURAL COUNTIES OR RCRC, INTENDED TO  
2 STREAMLINE THE REGULATORY PROCESS AND REDUCE  
3 COMPLIANCE COSTS FOR RURAL JURISDICTIONS.

4 THE BILL CONTAINS THE FOLLOWING  
5 MAJOR PROVISIONS: IT REQUIRES THIS BOARD AND THE  
6 STATE WATER RESOURCES CONTROL BOARD TO MEET WITH  
7 COUNTIES OF LESS THAN 250,000 POPULATION AT THEIR  
8 REQUEST TO DEVELOP FIVE-YEAR PRIORITIZATION PLANS  
9 FOR SOLID WASTE MANAGEMENT WITHIN THOSE RURAL  
10 COUNTIES.

11 SECONDLY, IT ALLOWS RECOMMENDATIONS  
12 FOR MEMBERSHIP TO THE LOCAL GOVERNMENT TECHNICAL  
13 ADVISORY COMMITTEE TO THE APPOINTING AUTHORITIES  
14 TO MADE BY RCRC, AND IT SPECIFICALLY ALLOWS AN  
15 RCRC EMPLOYEE TO BE APPOINTED AS THE COUNTY  
16 REPRESENTATIVE TO THE LAGTAC.

17 THIRDLY, IT REQUIRES THIS BOARD TO  
18 CONCUR OR OBJECT TO REVISED FINANCIAL ASSURANCES  
19 WITHIN 60 DAYS, AND IT ALLOWS OWNERS AND OPERATORS  
20 TO ACCESS CLOSURE FUNDS FOR CLOSURE COSTS FOR  
21 COSTS AS THEY MAY OCCUR. IT ALSO ALLOWS FOR THE  
22 ESTABLISHMENT OR EXPANSION OF A SOLID WASTE  
23 FACILITY, IN THE ABSENCE OF AN APPROVED COUNTYWIDE  
24 INTEGRATED WASTE MANAGEMENT PLAN, IF THIS FACILITY  
25 IS IDENTIFIED IN AN APPROVED SITING ELEMENT.

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1 I UNDERSTAND THE BILL IS CURRENTLY  
2 IN THE SENATE APPROPRIATIONS COMMITTEE PENDING  
3 HEARING VERY SHORTLY.

4 THIS BILL WAS CONSIDERED BY THE  
5 LEGISLATION AND PUBLIC EDUCATION COMMITTEE AT THIS  
6 MONTH'S MEETING. THE COMMITTEE RECOMMENDED A  
7 SUPPORT IF AMENDED POSITION TO THE FULL BOARD.

8 THE STAFF ANALYSIS DOES CONTAIN A  
9 NUMBER OF SUGGESTED AMENDMENTS. THE COMMITTEE  
10 DISCUSSED THOSE AMENDMENTS AND, FOR THE MOST PART,  
11 INCLUDED THEM IN THE RECOMMENDED SUPPORT IF  
12 AMENDED POSITION WITH THE EXCEPTION OF AMENDMENT  
13 NO. 2, WHICH YOU CAN SEE ON PAGE 143 IN YOUR  
14 BINDER. THIS IS THE AMENDMENT DEALING WITH THE  
15 PROVISION OF THE BILL IMPOSING A NEW REQUIREMENT  
16 THAT THE BOARD CONCUR OR OBJECT TO ALL REVISED  
17 FINANCIAL ASSURANCES WITHIN 60 DAYS.

18 THE SUGGESTED AMENDMENT, WHICH WAS  
19 INCLUDED IN THE STAFF ANALYSIS, WAS THAT THIS  
20 PROVISION BE DELETED. THE COMMITTEE, AS I  
RECALL,

21 REQUESTED THAT STAFF EXAMINE OR DRAFT LANGUAGE  
22 TO  
23 PROVIDE THAT CONCURRENCE OR OBJECTION ONLY APPLY  
TO PERHAPS SIGNIFICANT REVISIONS OF FINANCIAL

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24                   ASSURANCES RATHER THAN DELETING THE ENTIRE  
25                   REQUIREMENT.



1                   STAFF'S RESPONSE TO THIS COMMITTEE  
2           REQUEST WAS PROVIDED TO YOU THIS MORNING AS AN  
3           ADDENDUM TO THIS ITEM AND WAS INCLUDED IN YOUR  
4           PACKET AS AN ADDENDUM TO THE ANALYSIS. SO THAT'S  
5           THERE FOR YOUR CONSIDERATION AS ANOTHER  
6           ALTERNATIVE TO THE AMENDMENT THAT STAFF HAD  
7           EARLIER PROPOSED IN THE ANALYSIS.

8                   THE ADDENDUM ALSO RESPONDS TO  
9           COMMITTEE DISCUSSION REGARDING THE PROVISION OF  
10          THE BILL WHICH AUTHORIZES OWNERS OR OPERATORS TO  
11          USE FINANCIAL ASSURANCE FUNDS TO PAY FOR CLOSURE  
12          COSTS AS THEY MAY OCCUR. AS YOU MAY RECALL, THOSE  
13          OF YOU WHO ARE COMMITTEE MEMBERS, THIS PROVISION  
14          WAS DISCUSSED IN COMMITTEE, AND IT WAS POINTED OUT  
15          BY STAFF THAT IT DID NOT APPEAR TO BE FULLY  
16          CONSISTENT WITH FEDERAL SUBTITLE D REGULATIONS,  
17          WHICH ONLY AUTHORIZE OPERATORS TO ACCESS SUCH  
18          FUNDS IF THE FUND IS FULLY FUNDED FOR THE FULL  
19          COST OF CLOSURE. AND, OF COURSE, THIS RELATES TO  
20          THE ITEM THAT WAS DISCUSSED SOMEWHAT ON THE UKIAH  
21          PERMIT TODAY WHERE MANY OPERATORS MAY BEGIN  
22          ACCESSING THOSE FUNDS PRIOR TO THE FUND BEING  
23          FULLY FUNDED.

24                   IN RESPONSE TO THIS COMMITTEE  
25          DISCUSSION AND THE INCONSISTENCY THAT WAS POINTED

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1           OUT WITH THE SUBTITLE D REGULATIONS, THE ADDENDUM  
2           TO THE ANALYSIS, WHICH IS INCLUDED IN YOUR BINDER,  
3           DOES SUGGEST AN ADDITIONAL AMENDMENT TO CLARIFY  
4           THAT ANY DISBURSEMENT OF FINANCIAL ASSURANCE FUNDS  
5           MUST BE CONSISTENT WITH FEDERAL REGULATIONS. AND  
6           STAFF CAN DRAFT SPECIFIC LANGUAGE WHICH WOULD  
7           ADDRESS THAT CONSISTENCY REQUIREMENT.

8                         WITH THAT ADDITIONAL DISCUSSION, THE  
9           BILL AND SUGGESTED AMENDMENTS ARE BEFORE YOU FOR  
10          YOUR CONSIDERATION.

11                       CHAIRMAN PENNINGTON: OKAY. ANY  
12          QUESTIONS OF STAFF? IF NOT --

13                       BOARD MEMBER FRAZEE: THE -- YOU  
14          MENTIONED AN ADDENDUM THAT WAS PASSED OUT TO US,  
15          AND IT SEEMS TO HAVE GOTTEN AWAY FROM ME. BUT  
16          THE -- ON ITEM 4, REQUIRING US TO CONCUR, DID WE  
17          REACH CONSENSUS WITH THE AUTHOR ON THAT?

18                       MS. RICE: WE HAVE BEEN UNABLE TO DISCUSS  
19          ANY OF THE REQUESTED AMENDMENTS WITH THE AUTHOR'S  
20          OFFICE OR THE SPONSORS.

21                       BOARD MEMBER FRAZEE: SO OUR POSITION IS  
22          STILL SUPPORT IF AMENDED TO TAKE CARE OF THESE.

23                       MS. RICE: RIGHT. SO THE CLARIFICATION  
24          STAFF WOULD BE SEEKING TODAY IS THE CONTENT OF  
25          YOUR REQUESTED AMENDMENT, PARTICULARLY ON THE TWO

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1 ISSUES THAT WERE UNRESOLVED IN COMMITTEE, THE  
2 FINANCIAL ASSURANCES AND THE CLOSURE FUND ACCESS.

3 BOARD MEMBER FRAZEE: IS THAT GOING TO  
4 PLACE A SIGNIFICANT BURDEN ON STAFF AND BOARD IF  
5 WE HAD TO REVIEW AND ACT ON AND SCHEDULE EVERY  
ONE

6 OF THOSE THAT CAME ALONG.

7 MS. RICE: YES. STAFF WERE  
RECOMMENDING

8 IN THE ANALYSIS THAT PROVISION BE DELETED FROM  
THE

9 BILL. WE DO VIEW IT AS A SIGNIFICANT ADDITIONAL  
10 WORKLOAD; AND, ADDITIONALLY, WE HAVE NOT HEARD  
ANY

11 INDICATION OF WHAT WAS THE NEED FOR THE  
SUGGESTED

12 CHANGE, WHAT IS THE PROBLEM WITH THE CURRENT  
13 PROCESS FOR REVIEWING FINANCIAL ASSURANCES. I'M  
14 NOT AWARE OF ANY COMPLAINTS THAT WE'VE NOT BEEN  
15 TIMELY.

16 CHAIRMAN PENNINGTON: I ALSO HAVE A  
17 CONCERN THAT DUE TO THE FISCAL IMPACT OF SECTION  
18 40063, WHICH WOULD REQUIRE THE BOARD TO MEET  
WITH

19 SPECIFIED COUNTIES TO DEVELOP A FIVE-YEAR PLAN.

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I

20               WOULD PROPOSE THAT THE BOARD REQUEST THAT

SECTION

21               40063 BE AMENDED TO ALLOW THE BOARD TO ASSIST

THE

22               COUNTIES BY CHANGING THE WORD "SHALL" TO "MAY."

23                               THIS WILL ALLOW THE BOARD TO BE

MORE

24               FLEXIBLE, TO ASSIST IN FUNDS AND STAFFING

25               RESOURCES THAT ARE AVAILABLE.   SECTION 40063 NOW

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1           READS SHALL, AND I'D LIKE TO CHANGE IT TO MAY  
MEET  
2           WITH COUNTIES TO PRIORITIZE THE DEVELOPMENT AND  
3           JOINT ADOPTION OF A FIVE-YEAR PLAN.

4                   BOARD MEMBER CHESBRO:   THAT'S BASICALLY  
5           THE SAME THING.

6                   MS. RICE:   THAT WOULD BE VERY SIMILAR  
TO  
7           THE --

8                   CHAIRMAN PENNINGTON:   EXCEPT IT GIVES  
YOU  
9           MORE DISCRETION, MAY DOES INSTEAD OF SHALL.

10                  BOARD MEMBER CHESBRO:   I THINK IT'S THE  
11           SAME THING AS WHAT THE COMMITTEE RECOMMENDED,  
12           WHICH I DISAGREED WITH EVEN THOUGH I WENT ALONG  
13           WITH THE MOTION.

14                  MS. RICE:   THE COMMITTEE STATED TO THE  
15           EXTENT THAT FUNDS WERE AVAILABLE, SO IT'S A  
16           SIMILAR THOUGHT WITH DIFFERENT WORDS.

17                  CHAIRMAN PENNINGTON:   OKAY.   SO WE HAVE  
A  
18           MOTION THERE.   MRS. GOTCH.

19                  BOARD MEMBER GOTCH:   I'LL MOVE FOR  
20           SUPPORT IF AMENDED, WHICH WOULD INCLUDE THESE  
TWO

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21                   ADDITIONAL AMENDMENTS FROM TODAY.

22                               MS. RICE:   SO WE WOULD REQUEST STRIKING

23                   THE FINANCIAL ASSURANCE PROVISION AND AMENDING

THE

24                   CLOSURE FUND ACCESS REQUIREMENT TO BE CONSISTENT

25                   WITH SUBTITLE D.



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1 BOARD MEMBER GOTCH: FEDERAL, CORRECT.

2 CHAIRMAN PENNINGTON: ARE YOU INCLUDING  
3 MY AMENDMENT?

4 BOARD MEMBER GOTCH: I BELIEVE THAT WAS  
5 ALREADY INCLUDED FROM OUR COMMITTEE.

6 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

7 CHAIRMAN PENNINGTON: WAIT A MINUTE.  
8 WAIT A MINUTE. YES.

9 BOARD MEMBER CHESBRO: I EXPECT I'M IN  
10 MINORITY ON THIS, BUT I DO WANT TO GET IT ON THE  
11 RECORD. AND I DON'T KNOW WHY THE AUTHOR WOULD  
12 WANT TO PUT THE FISCAL THING IN THERE SO YOU HAVE  
13 TO DEPEND ON THE APPROPRIATIONS COMMITTEE ANYWAY.  
14 BUT I DO THINK IT SENDS THE WRONG SIGNAL IN TERMS  
15 OF OUR STATEMENT TO THE RURAL COUNTIES. BECAUSE I  
16 THINK THIS IS WORK WE WOULD DO ANYWAY AND WE'VE  
17 GOT TO DO ANYWAY.

18 IT DOESN'T GIVE US A LOT OF DETAILED  
19 MICROMANAGING DIRECTION AS TO WHAT IT HAS TO BE.  
20 I THINK WE CAN DECIDE WHAT THE DEGREE IS BASED ON  
21 RESOURCES HOW MUCH OF AN EFFORT GOES INTO THAT  
22 RURAL COUNTY EFFORT, BUT I PERSONALLY WOULD  
23 LIKE

24 TO, YOU KNOW, SEE US SUPPORT THAT PROVISION  
25 MYSELF.

CHAIRMAN PENNINGTON: I AGREE WITH

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YOU ,

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1           AND I DON'T WANT TO GIVE THE RURAL COUNTIES THE  
2           WRONG MESSAGE, BUT I'M ALSO CONCERNED ABOUT  
3           LOOKING AT OUR BUDGET AND BEING FLEXIBLE ENOUGH  
4           TO, YOU KNOW, HAVE OUR OWN ABILITY TO DEAL WITH  
5           ISSUES AS THEY COME ALONG, AND WE'RE NOT LOCKED  
6           INTO A LOT OF THINGS WE CAN'T --

7 BOARD MEMBER RELIS: IS THIS MOVED AND  
8 SECONDED?

9 BOARD MEMBER GOTCH: IT'S MOVED.

10 BOARD MEMBER FRAZEE: I'LL SECOND.

11 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND  
12 SECONDED. ANY FURTHER DISCUSSION? SECRETARY CALL  
13 THE ROLL, PLEASE.

14 BOARD SECRETARY: BOARD MEMBER CHESBRO.

15 BOARD MEMBER CHESBRO: NO.

16 BOARD SECRETARY: FRAZEE.

17 BOARD MEMBER FRAZEE: AYE.

18 BOARD SECRETARY: GOTCH.

19 BOARD MEMBER GOTCH: AYE.

20 BOARD SECRETARY: RELIS.

21 BOARD MEMBER RELIS: AYE.

22 BOARD SECRETARY: CHAIRMAN PENNINGTON.

23 CHAIRMAN PENNINGTON: AYE. MOTION

24 CARRIES.

25 NOW, WE'LL MOVE ON TO ITEM 36, CON-

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1           SIDERATION OF THE 1995 RIGID PLASTIC PACKAGING  
2           CONTAINER ALL-CONTAINER AND PETE RECYCLING RATE.  
3           CAREN TRGOVCICH

4                   MS. TRGOVCICH:   GOOD AFTERNOON, MR.  
5           CHAIRMAN AND MEMBERS.   I'M CAREN TRGOVCICH, DEPUTY  
6           DIRECTOR OF THE WASTE PREVENTION AND MARKET  
7           DEVELOPMENT DIVISION.   THE ITEM BEFORE YOU THIS  
8           AFTERNOON IS CONSIDERATION OF THE 1995 RIGID  
9           PLASTIC PACKAGING CONTAINER ALL-CONTAINER AND PET  
10          RECYCLING RATES.

11                   I'D LIKE TO JUST POINT YOUR  
12          ATTENTION TO YOUR PACKET SINCE WE WILL BE  
13          PROVIDING YOU WITH AN ABBREVIATED PRESENTATION,  
14          BUT WE WILL CERTAINLY BE AVAILABLE TO ANSWER ANY  
15          QUESTIONS THAT YOU MAY HAVE OR ELABORATE ON ANY  
16          SPECIFIC ELEMENTS OF THE ITEM IN THE PACKET.

17                   THE ITEM IN YOUR PACKET, BEGINNING  
18          ON PAGE 207, PROVIDES A FAIRLY COMPREHENSIVE  
19          ANALYSIS AROUND BOTH THE DEVELOPMENT OF THE PET  
20          RATE, THE DEVELOPMENT OF THE ALL-CONTAINER RATE,  
21          THE METHODOLOGY USED IN THE DEVELOPMENT OF THAT  
22          ALL-CONTAINER RATE, AND ISSUES RAISED DURING THE  
23          IMPLEMENTATION OF THE METHODOLOGY.   WE ALSO  
24          PROVIDE AN ANALYSIS AROUND SPECIFIC BENCHMARK  
DATA  
25          FOR RPPC GENERATION, AND WE PROVIDED AS

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ATTACH-

1           MENTS TO THE ITEM MORE COMPREHENSIVE ANALYSIS  
2           AROUND THE METHODOLOGIES AND AROUND COMMENTS  
3           RECEIVED BY STAFF FROM THE BOARD'S ADVISORY  
4           COMMITTEE.

5                       BILL HUSTON OF THE WASTE PREVENTION  
6           AND MARKET DEVELOPMENT DIVISION WILL BE PROVIDING  
7           YOU WITH A BRIEF CHRONOLOGY OF THE EVENTS THAT  
8           HAVE LED UP TO THIS PRESENTATION OF THE RATES, AS  
9           WELL AS SUMMARIZE THE RECOMMENDATIONS OF THE LOCAL  
10          ASSISTANCE AND PLANNING COMMITTEE AT ITS MEETING  
11          THAT WAS HELD ON JULY 17TH. AND AS I STATED  
12          EARLIER, WE WILL CERTAINLY BE AVAILABLE TO  
13          ELABORATE ON ANY ELEMENT OF THE PRESENTATION AS IT  
14          WAS MADE BEFORE THE COMMITTEE.

15                     MR. HUSTON: GOOD AFTERNOON. I'M BILL  
16          HUSTON WITH THE WASTE PREVENTION AND MARKET  
17          DEVELOPMENT DIVISION.

18                     THIS IS ACTUALLY THE THIRD TIME THAT  
19          THE BOARD HAS HAD THE OPPORTUNITY TO HEAR ABOUT  
20          THE 1995 RIGID PLASTIC PACKAGING CONTAINER  
21          RECYCLING RATES. ABOUT A YEAR AGO THE BOARD  
22          APPROVED THE METHODOLOGY TO CALCULATE THE PET  
23          RECYCLING RATE, AND A MONTH LATER DIRECTED STAFF  
24          TO WORK WITH THE AMERICAN PLASTICS COUNCIL TO  
25          DETERMINE THE 1995 ALL-CONTAINER RATE.

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1 AT THE SAME TIME THE STAFF WAS  
2 DIRECTED TO, AS A BENCHMARK, CALCULATE THE TONS OF  
3 RIGID PLASTIC PACKAGING CONTAINERS THAT WERE  
4 GENERATED IN THE STATE USING NATIONAL DATA.

5 EARLIER THIS MONTH THE LOCAL  
6 ASSISTANCE AND PLANNING COMMITTEE CONSIDERED THE  
7 ITEM. SINCE THERE WAS REALLY NO CONTROVERSY AT  
8 ALL SURROUNDING THE PET RECYCLING RATE, THE  
9 COMMITTEE IS RECOMMENDING THE BOARD ADOPT THE  
10 STAFF RECOMMENDATION OF 38.8 -- TRUST ME --  
11 PERCENT FOR THAT RATE. BUT BECAUSE THERE WAS  
12 SIGNIFICANT CONTROVERSY AND UNCERTAINTY  
13 SURROUNDING THE TONS OF ALL CONTAINERS GENERATED  
14 IN THE STATE, THE COMMITTEE IS RECOMMENDING THAT  
15 THE BOARD NOT ADOPT AN ALL-CONTAINER RATE FOR  
16 1995, BUT RATHER DIRECTED STAFF TO REPORT TO THE  
17 FULL BOARD ON THE ENFORCEMENT IMPLICATIONS AND  
18 STRATEGIES THAT WOULD BE APPROPRIATE IF A NO -  
- IF  
19 NO ALL-CONTAINER RATE WERE ADOPTED.

20 WE DISTRIBUTED THAT DOCUMENT TO  
THE  
21 BOARD OFFICES ON FRIDAY, AND I HAVE HANDED IT  
TO  
22 MEMBERS OF OUR RECYCLING RATE ADVISORY

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COMMITTEE

23 WHO ARE HERE TODAY.

24 FINALLY, THE COMMITTEE DIRECTED  
25 STAFF TO CONTINUE WORKING WITH THE RECYCLING  
RATE

1           ADVISORY COMMITTEE IN AN ATTEMPT TO REACH CON-  
2           SENSUS ON THE RATE-SETTING PROCESS FOR THE  
3           ALL-CONTAINER RATE AND TO UTILIZE ALL OF THE  
4           INFORMATION GATHERED BY THE AMERICAN PLASTICS  
5           COUNCIL AND CASCADIA, THEIR CONSULTANT, AS WELL AS  
6           INPUT ON THE USE OF NATIONAL RESIN AND OTHER SALES  
7           DATA TO DEVELOP THE RECYCLING RATE FOR 1996.

8                           AND THAT CONCLUDES MY FORMAL  
9           COMMENTS.

10                   MS. TRGOVCICH: I JUST WANTED TO ADD ONE  
11           NOTE. AS WE DID IN THE COMMITTEE MEETING, WE  
12           PROVIDED IN THE COMMITTEE MEMBERS' PACKETS COPIES  
13           OF ALL THE COMMENT LETTERS THAT WE HAD RECEIVED TO  
14           DATE AS OF THE JULY 17TH DATE. WE HAVE RECEIVED  
15           ONE MORE COMMENT I'D JUST LIKE TO NOTE, AND IT'S  
16           OUR UNDERSTANDING THAT IT HAS BEEN INCLUDED IN  
17           YOUR PACKET FOR YOUR INFORMATION, A COMMENT LETTER  
18           FROM RESOURCE RECYCLING DATED JULY 23D.

19                   CHAIRMAN PENNINGTON: THANK YOU. I DO  
20           NOT BELIEVE IT'S POSSIBLE TO GARNER THE VOTES  
21           NECESSARY TO APPROVE OR DISAPPROVE THIS TODAY.  
22           AND IT'S -- DESPITE MY FIRM CONVICTION THAT THE  
23           RATE CALCULATION IS AS ACCURATE AS WE CAN EXPECT  
24           TO GET AND THAT WE SHOULD ADOPT STAFF RECOMMENDA-  
25           TIONS, IT IS IN THE BEST INTEREST OF ALL

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1           STAKEHOLDERS, INTERESTED PARTIES, AND THE BOARD TO  
2           TRY TO FIND A WAY TO BRING RESOLUTION TO THESE  
3           ISSUES.

4                           I RESPECT THE OPINIONS OF THOSE WHO  
5           WANT TO FULLY EXAMINE ALL METHODOLOGIES BEFORE  
6           COMING TO A DECISION ON ACCEPTANCE OF A RECYCLING  
7           RATE. I ALSO UNDERSTAND AND CONCUR WITH THE  
8           OPINIONS EXPRESSED BY CERTAIN BOARD MEMBERS THAT  
9           THEY CANNOT MAKE A DECISION ON THIS COMPLEX ISSUE  
10          UNTIL A NUMBER OF QUESTIONS CAN BE ANSWERED.

11                          I BELIEVE THAT MRS. GOTCH EXPRESSED  
12          THAT VERY SENTIMENT AT THE LOCAL ASSISTANCE AND  
13          PLANNING COMMITTEE WITH REFERENCE TO WHAT  
14          VERITABLE IMPACT THE USE OF NATIONAL RESIN SALES  
15          AS AN INFORMATION SOURCE TO CALCULATE THE RPPC  
16          RATE FOR CALIFORNIA.

17                          THIS QUESTION BECOMES EVEN MORE  
18          IMPORTANT IN FUTURE YEARS WHEN THE BOARD DOES NOT  
19          HAVE THE FINANCIAL RESOURCES COMMITTED TO THIS  
20          PROJECT BY THE AMERICAN PLASTICS COUNCIL. MRS.  
21          GOTCH WAS CONCERNED ABOUT THE WIDE DISCREPANCIES  
22          IN THE TWO NUMBERS OFFERED IN THE AGENDA ITEM AND  
23          FURTHER SUGGESTED THAT THE BOARD TAKE A FEW

MONTHS

24          TO EVALUATE THE PROS AND CONS OF THESE VARIOUS  
25          OPTIONS.

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1                   IT SEEMS TO ME THAT THERE ARE ONLY  
2                   TWO OPTIONS. ONE IS TO ACCEPT THE STUDY THAT HAS  
3                   BEEN COMPLETED AND HAS RESULTED IN A STAFF  
4                   RECOMMENDATION FOR APPROVAL OF THE RECYCLING RATE  
5                   OF 25.2 PERCENT FOR 1995 OR MAKING THE APPROPRIATE  
6                   ADJUSTMENTS REQUIRED TO USE NATIONAL RESIN SALES  
7                   AND DETERMINE IF IT IS APPLICABLE FOR COMPARISON  
8                   OF THE OUTCOME OF ACTUAL MEASUREMENTS DONE IN THE  
9                   CASCADIA STUDY.

10                  I PERSONALLY ACCEPT THE PROCESS AND  
11                  OUTCOME OF THE CASCADIA STUDY. THAT WORK IS  
12                  COMPLETE, AND WE CANNOT GO BACK IN AND INSERT  
13                  NUMBERS TO FAVOR ANY OUTCOME, OR THE INTEGRITY OF  
14                  THE WHOLE PROCESS WILL BE COMPROMISED. THE  
15                  PROBLEM SEEMS TO LIE MOSTLY WITH THE ASSUMPTIONS  
16                  MADE IN THE DETERMINATION OF THE ALTERNATIVE  
17                  15.7-PERCENT RATE CALCULATED FROM USE OF THE  
18                  NATIONAL RESIN SALES INFORMATION.

19                  THE WAY THE NUMBERS WERE INCLUDED IN  
20                  THE AGENDA ITEM, WITHOUT HAVING BEING FULLY  
21                  DISCUSSED BY THE RRAC, BRINGS ME TO NO COMFORT  
22                  THAT IT HAS ONE NICKEL'S WORTH OF CREDIBILITY. IF  
23                  THE NUMBERS INCLUDES COMPUTER CASTINGS, MOTORCYCLE  
24                  HELMETS, AND OTHER NON-RPPC PLASTIC PRODUCTS, THEN  
25                  THE BOARD SHOULD NOT EMBARRASS ITSELF BY ACCEPTING

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1 GROSS ERRORS AS THE BASIS FOR MAKING A DECISION  
2 WHILE IGNORING ONE -- WHILE IGNORING OVER ONE  
3 YEAR'S STUDY AND THE EMPIRICAL CALIFORNIA SPECIFIC  
4 SCIENTIFIC MEASUREMENTS PROVIDED US BY THE STAFF  
5 DIRECTED BY THE CASCADIA STUDY.

6 MY RECOMMENDATION WOULD BE TO TAKE  
7 SOME TIME AND HAVE STAFF TRY TO SORT OUT HOW THE  
8 NATIONAL RESIN SALES NUMBERS ARE DIVIDED AND  
9 WHAT -- WHY THEIR APPLICABLE IS.

10 FURTHER, I BELIEVE THAT THE INITIAL  
11 WORK SHOULD BE DONE BY THE BOARD STAFF. STAFF  
12 SHOULD EXAMINE THE NATIONAL RESIN SALES ISSUE AND  
13 CALL UPON ANY SOURCE OF INPUT THAT THEY SEE  
14 APPROPRIATE AND BRING THE ISSUE BACK TO THE  
15 COMMITTEE AND THE BOARD.

16 ONCE THE DECISION HAS BEEN MADE FOR  
17 1995, THEN THE RRAC CAN UNDERTAKE THE WORK OF  
18 CONTRIBUTING TO THE PROCESS FOR FUTURE YEAR'S  
19 CALCULATIONS JUST AS HAS BEEN PLANNED.

20 WITH THAT, I'M GOING TO MAKE A  
21 TWO-PART MOTION. THE FIRST MOTION -- THE FIRST  
22 PART WOULD BE TO MOVE THAT THE DETERMINATION OF  
23 THE RECYCLING RATE FOR THE PET BE ADOPTED AS  
24 RECOMMENDED BY THE STAFF REPORT. AND, SECOND, I  
25 MOVE THAT THE DETERMINATION OF THE RPPC

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1 ALL-CONTAINER RECYCLING RATE BE DIRECTED BACK TO  
2 STAFF TO INVESTIGATE THE VIABILITY AND IMPORT OF  
3 THE NATIONAL RESIN SALES FOR ASSISTING IN  
4 CALIFORNIA -- ASSESSING THE CALIFORNIA RPPC  
5 RECYCLING RATE.

6 STAFF IS DIRECTED TO CONSULT WITH  
7 THE DEVELOPERS AND PUBLISHERS OF THE NATIONAL  
8 RESIN SALES DATA IN DETERMINING THE VALIDITY OF  
9 THESE NUMBERS AS A BENCHMARK TO EVALUATE THE  
10 RECYCLING RATE. STAFF IS ALSO DIRECTED TO KEEP  
11 ALL INTERESTED PARTIES, SUCH AS THE RRAC, INFORMED  
12 AS TO THEIR INVESTIGATION AND FINDINGS IN A TIMELY  
13 FASHION AND SEEK THEIR COMMENTS.

14 ALSO, STAFF IS DIRECTED TO LIST AND  
15 TO RESPOND TO ISSUES RAISED BY MEMBERS OF THE  
16 BOARD, THE RRAC, AND OTHER INTERESTED PARTIES.  
17 STAFF IS FURTHER DIRECTED TO REPORT BACK TO THE  
18 LOCAL ASSISTANCE AND PLANNING COMMITTEE AND THE  
19 FULL BOARD AT OUR SEPTEMBER MEETING. THAT'S MY  
20 MOTION. I WOULD NEED A SECOND.

21 BOARD MEMBER FRAZEE: I'LL SECOND THAT,  
22 MR. CHAIRMAN.

23 CHAIRMAN PENNINGTON: BEFORE WE VOTE, I  
24 KNOW THAT THERE'S A LOT OF PEOPLE HERE TO COMMENT,  
25 AND I THOUGHT WE COULD GET THE MOTION ON THE

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1           TABLE, AND PERHAPS WE COULD DIRECT OUR COMMENTS  
2           MORE AT THE MOTION THAN TO GO BACK AND REVIEW ALL  
3           THE METHODOLOGIES THAT WE HAVE DEBATED SEVERAL  
4           TIMES.

5                           I CAN'T PREVENT YOU FROM TALKING AND  
6           SAYING WHAT YOU WANT.   YES, MR. CHESBRO.

7                           BOARD MEMBER CHESBRO:   MR. CHAIRMAN, I  
8           APPRECIATE THE SPIRIT OF THE MOTION AND THE EFFORT  
9           TO GO BACK AND TRY TO, AT LEAST, REEXAMINE AND  
10          RECONSIDER THINGS IN THE HOPES OF TRYING TO GET  
11          THERE FOR THIS YEAR'S -- LAST YEAR'S RATE, WHICH  
12          WE'RE REQUIRED TO ADOPT THIS YEAR OR WOULD HOPE TO  
13          ADOPT THIS YEAR.

14                           I WILL SAY THAT, EVEN THOUGH I'M  
15          NORMALLY WHAT MOTHER REFERS TO AS A HOPELESS  
16          OPTIMIST, I HAVEN'T BEEN OPTIMISTIC ABOUT THAT  
17          BECAUSE OF THE FACT THAT, UNLIKE OREGON WHERE THIS  
18          STUDY RESULTED IN 33 PERCENT, CLEARLY ABOVE 25  
19          PERCENT, WE WIND UP WITH A NUMBER THAT STRADDLES  
20          THE LINE.   AND AS YOU POINTED OUT, THERE'S THIS  
21          OTHER NUMBER OUT THERE WHICH, WHILE I DON'T THINK  
22          ANYBODY CLAIMS IT'S A GOOD NUMBER THAT I'VE  
HEARD,

23          15.7 PERCENT, THE NATIONAL NUMBER, IS A GOOD  
24          NUMBER.

25                           IF EVEN IF YOU ADJUST IT, IT

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1 DOESN'T -- AT THIS POINT THE INPUT WE GOT AT THE  
2 COMMITTEE AND WE'VE GOTTEN FROM VARIOUS CON-  
3 SULTANTS SUCH AS BECK IS THAT IT DOESN'T COME  
4 CLOSE TO 25 PERCENT, SO YOU STILL HAVE A GAP  
5 THAT'S THERE. SO SERIOUS QUESTIONS WERE THERE,  
6 AND THAT WAS, I THINK, THE ORIGIN OF THE FACT THAT  
7 THE COMMITTEE DIDN'T VOTE TO RECOMMEND A RATE AT  
8 THIS TIME.

9 ALL THAT BEING SAID, I'M ALWAYS  
10 WILLING TO GIVE IT ANOTHER -- SOME MORE HOPE AND  
11 BE OPTIMISTIC AND ENCOURAGE ALL OF THE PARTIES  
12 INVOLVED, INCLUDING MYSELF AND MY STAFF, TO TRY TO  
13 LOOK AT IT AFRESH AND SEE IF SOME SORT OF  
14 CONCURRENCE CAN BE ARRIVED AT, AND I'LL BE  
15 SUPPORTING THE MOTION ON THAT BASIS.

16 CHAIRMAN PENNINGTON: THANK YOU. OKAY.  
17 LET'S HEAR FROM THE PUBLIC HERE. JOAN EDWARDS.

18 MS. EDWARDS: THANK YOU. AND I WANT TO  
19 SAY UP FRONT, MR. CHAIRMAN, THAT I APPRECIATE THAT  
20 YOU WOULD LIKE TO KEEP COMMENTS DIRECTLY TO YOUR  
21 MOTION, AND I ALSO APPRECIATE THAT YOU UNDERSTAND  
22 THAT THOSE OF US WHO HAVE COME SO FAR WOULD LIKE  
23 TO BE ABLE TO TALK A LITTLE BIT MORE BROADLY, AND  
24 I WILL TRY AND KEEP MY COMMENTS BRIEF.

25 CHAIRMAN PENNINGTON: I MIGHT JUST TELL

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1           YOU WE'VE GOT ABOUT HALF AN HOUR BEFORE THEY'RE  
2           GOING TO SEND THE SHERIFF IN HERE.

3                   MS. EDWARDS:   ALL RIGHT.   WHAT I WOULD  
4           LIKE TO DO TODAY IS SPEAK TO THE ISSUE OF WHAT ALL  
5           THE FUSS IS ABOUT.   A FRIEND OF MINE, WHO IS NOT  
6           INVOLVED IN WASTE MANAGEMENT, SAID THAT TO ME A  
7           COUPLE OF WEEKS AGO WHEN I WAS BUSY WRITING  
8           LETTERS AND CALLING PEOPLE.   AND I THINK IT IS  
9           IMPORTANT, SINCE YOU ARE DIRECTING STAFF TO GO  
10          BACK AND REANALYZE, AND IT'S GOING TO COME BACK  
11          TO  
12          YOU, THAT, ONCE AGAIN, PEOPLE LIKE MYSELF RAISE  
13          THE ISSUE OF WHY THERE'S A PROBLEM IN REACHING  
14          CONSENSUS AND MIMICKING OREGON'S MUCH MORE  
15          COLLEGIAL EXPERIENCE.

16                   THERE ARE THREE THINGS THAT, IN MY  
17          MIND, THIS IS NOT ABOUT.   THE FIRST ONE IT'S NOT  
18          ABOUT A FEW POOR SPORTS NOT LIKING WHAT CAME OUT  
19          OF THE ENVELOPE.   AND I WAS VERY DISTRESSED LAST  
20          WEEK WHEN A GOOD FRIEND OF MINE -- I DO CONSIDER  
21          JERRY POWELL A GOOD FRIEND, WHO I'VE KNOWN FOR  
22          TEN  
23          YEARS -- TOLD ME THAT HE HAD BEEN TOLD BY A  
24          NUMBER  
25          OF SOURCES THAT THERE WAS ABSOLUTELY NO PAPER

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23 TRAIL OR MEETING DISCUSSION ABOUT ANY PROBLEM,

AND

24 THIS WAS AN AFTER-THE-FACT ISSUE.

25 THAT IS NOT TRUE. THERE ARE AT

1           LEAST SEVEN -- THERE ARE AT LEAST FIVE MEMOS FROM  
2           ME IN THE RECORD, AS WELL AS TESTIMONY HERE TWICE  
3           ON THE RECORD, AS WELL AS DISCUSSIONS INFORMALLY  
4           AND FORMALLY IN AND OUT OF THE RRAC. AND I THINK  
5           FOR ANYONE TO GIVE THAT IMPRESSION IS REALLY  
6           LACKING IN INTEGRITY. AND I WOULD HOPE AND I  
7           EXPECT THE STAFF TO SET YOU STRAIGHT ON THIS.

8                       THE SECOND THING IT'S NOT ABOUT IS  
9           WHETHER OR NOT WASTE COMP STUDIES CAN YIELD GOOD  
10          RESULTS. I'VE HAD A LOT OF EXPERIENCE IN LOS  
11          ANGELES WITH WASTE COMP STUDIES. THEY CAN YIELD  
12          GOOD RESULTS.

13                      THE ISSUE REALLY IS WHY THEY MIGHT  
14          NOT HAVE THIS TIME AND WHAT WERE THE ALTERNATIVES  
15          IN LIGHT OF THE FACT THAT FROM DAY ONE, A YEAR AND  
16          A HALF AGO, STAFF TOLD US THAT THEY WERE NEVER  
17          GOING TO DO A WASTE COMP STUDY IN THE FUTURE. SO  
18          WHY DID YOU ACCEPT THE DEPARTMENT OF  
19          CONSERVATION'S OFFER, FOR EXAMPLE, TO WORK WITH  
20          STAFF TO DO IT FROM ALTERNATIVE SOURCES OF  
21          INFORMATION.

22                      AND IT'S NOT ABOUT WHETHER OREGON  
23          WAS DUMB. AND I THINK IF ANY OF YOU TALKED TO  
24          JERRY, YOU GOT A GOOD SENSE. I'M NOT GOING TO  
25          SPEAK FOR HIM. I'M JUST GOING TO SAY WHAT I

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1           EXPECT YOU FOUND IF YOU TALKED TO HIM ABOUT HIS  
2           FEELING THAT OREGON WAS BEING ATTACKED, THE  
3           PROCESS THAT THEY WENT THROUGH. IT'S NOT ABOUT  
4           WHETHER OREGON WAS FOOLISH OR ITS RESULTS WERE  
5           GOOD IN OREGON, THEN THEY HAVE TO BE GOOD IN  
6           CALIFORNIA.

7                           I THINK IT IS ABOUT FOUR THINGS.  
8           IT'S ABOUT PROCESS. AND THE PROCESS HERE, I  
9           THINK, WAS APPALLING. AS A MEMBER OF THE RRAC  
WHO

10          ISN'T RELATED IN ANY FASHION TO ANYBODY WHO  
STANDS  
11          TO GAIN FINANCIALLY ON THIS, AN INDEPENDENT  
PERSON

12          WHO SPENDS HER OWN TIME, I AM APPALLED AT THE  
13          PROCESS FROM DAY ONE.

14                        STAFF, FIRST OF ALL, DID NOTHING  
15          FROM THE GET-GO TO GET INDEPENDENT INFORMATION ON  
16          THEIR OWN. AND ALL OF A SUDDEN WE HAD A CRISIS,  
17          AND THEN YOU WERE STUCK WITH WHERE ARE YOU GOING  
18          TO GET YOUR INFORMATION FROM, AND YOU DIDN'T HAVE  
19          TIME TO ISSUE AN RFQ, AND SO YOU ACCEPTED THE  
20          OFFER OF A REGULATED ENTITY TO CONTROL THE STUDY.  
21          OREGON DID NOT DO THAT.

22                        THE PROCESS WITHIN THE RRAC WAS

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23                   CONFUSING, WAS CONSTANTLY DIVISIVE, AND ANYONE  
WHO  
24                   RAISED AN ISSUE WAS MADE TO FEEL AS IF THEY WERE  
25                   AN IMPEDIMENT TO THE PROCESS.

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1 I'M SURE YOU'VE HEARD THAT THE RRAC  
2 VOTED ON THINGS. WE DID QUITE FREQUENTLY. I CAN  
3 RECALL ONE TIME WHEN WE VOTED CLEARLY OVER A YEAR  
4 AGO NOT TO HIRE A CONSULTANT, THAT STAFF SHOULD

DO

5 IT ON THEIR OWN WITH HELP FROM DOC. IT WAS  
6 UNANIMOUS. ONE ABSTENTION, GEORGE LARSON, WHO  
7 WANTED TO GO BACK TO APC AND CHECK IT OUT. THIS  
8 IS IN YOUR RECORD. YOU TAPE THESE MEETINGS.

9 FEW WEEKS LATER THERE WAS ANOTHER  
10 MEETING. SOME OF US DIDN'T GO. WE WERE UNDER

THE

11 IMPRESSION THAT IT WAS JUST CLEAN-UP WORK. THAT  
12 MEETING RESULTED IN A VOTE TO ENDORSE THE IDEA OF  
13 APC DOING THE STUDY. THERE IS NOTHING BUT  
14 EXPERIENCES LIKE THIS OVER THE PAST THREE YEARS.

15 THIS IS ABOUT INDEPENDENT ANALYSIS  
16 AND WASTE MANAGEMENT BOARD LEADERSHIP. AND IF

I'M

17 GOING TO LEAVE HERE HAPPY, IT'S BECAUSE YOU, MR.  
18 CHAIRMAN, MADE IT CLEAR, AT LEAST I THOUGHT I  
19 HEARD A TONE IN YOUR VOICE, THAT STAFF SHOULD DO  
20 THIS BY THEMSELVES, DO REAL WORK, GET INFORMATION  
21 FROM EVERYBODY, AND COME BACK WITH THEIR NECKS ON  
22 THE LINE. AND THAT IS WHAT SHOULD HAVE HAPPENED

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23 FROM THE BEGINNING, WHICH IS WHAT HAPPENED IN  
24 OREGON.  
25 THIS IS NOT -- THIS IS ABOUT



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1           SENSIBLE CROSSCHECKS AND BENCHMARKING.   SENSIBLE.  
2           I WOULD HAVE VOTED, EVEN THOUGH I DON'T BELIEVE  
3           THE RATE IS 25, I WOULD HAVE VOTED FOR IT IF THE  
4           NATIONAL RATE HAD BEEN EVEN 20.   BUT 15, I MEAN  
5           COME ON.   YOU CANNOT EXPLAIN THAT AWAY FROM THE  
6           RATIONALE THAT THE STAFF PUT IN THEIR REPORT.

AND

7           IT IS ABOUT WHETHER OR NOT PLASTIC RECYCLING WILL  
8           OCCUR IN CALIFORNIA.

9                           AND YOU CANNOT FAIL TO NOTE THAT  
10          PLASTIC RECYCLING IS IN BIG TROUBLE IN THIS  
11          COUNTRY.   YOUR OWN WORKSHOP IN JANUARY, THE  
12          NAPCORE REPRESENTATIVE MADE A POINT OF SAYING  
THAT

13          VIRGIN CAPACITY WAS GROWING FASTER THAN RECYCLING  
14          CAPACITY, EVEN AS HE WAS BRAGGING, RIGHTFULLY SO,  
15          ABOUT THE PET RECYCLING RATE.

16                          SO I'M VERY CONCERNED ABOUT THOSE  
17          ISSUES, AND I DO HAVE SOME RECOMMENDATIONS FOR  
18          YOU, SOME OF WHICH ARE IRRELEVANT GIVEN THE  
19          DIRECTION TO STAFF, BUT I WOULD LIKE TO SAY THEM  
20          ANYWAY.   FROM MY VANTAGE POINT, AS A 939

SUPPORTER

21          AND AS AN OBSERVER AND A PARTICIPANT IN THIS  
22          PROCESS, FIRST AND FOREMOST, I JUST WANT YOU TO

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23                   KEEP IN MIND THAT YOUR DECISION IS GOING TO HAVE

A

24                   MAJOR IMPACT IN CALIFORNIA. IT'S GOING TO HAVE

AN

25                   IMPACT ON 1155. IT'S GOING TO HAVE AN IMPACT ON

1           WHETHER ANYBODY WANTS TO PUT A RECYCLING FACILITY  
2           IN AN RMDZ ZONE. IT'S GOING TO HAVE AN IMPACT ON  
3           WHETHER OR NOT STAFF IS GOING TO TAKE SERIOUSLY  
4           DOING THIS WORK ON THEIR OWN IN THE FUTURE.

5                       I HOPE THAT YOU WILL NOT CONSIDER  
6           PROBLEMS WITH ENFORCEMENT. I DID SAY SOMETHING  
7           RATHER FLIPLY TO A BOARD MEMBER LAST WEEK. BUT TO  
8           PARAPHRASE IT, YOU DON'T HAVE TO ENFORCE MEANLY  
9           REGARDLESS OF WHAT YOU VOTE ON. YOU CAN FIGURE  
10          OUT HOW TO GIVE PEOPLE A SIGNAL AND LEAVE THEM  
11          ALONE UNTIL '96.

12                     I DO THINK YOU'RE FOOLISH TO THINK  
13          THAT THERE'LL BE ANY CONSENSUS. FOR THOSE OF YOU  
14          WHO THINK THAT WE'RE ALL GOING TO COME TO CON-  
15          SENSUS, PEOPLE ARE TOO HARDENED IN THEIR POSITIONS  
16          RIGHT NOW AND HAVE TOO MUCH BAGGAGE HANGING OVER  
17          THEM ABOUT WHAT'S GONE ON IN THE PAST YEAR AND A  
18          HALF.

19                     AND FINALLY, I WILL TELL YOU THAT I  
20          DON'T BELIEVE THE RATE IS 25.2. I BELIEVE IT HAS  
21          TO BE LOWER GIVEN THE DISPARITY. I URGE YOU TO  
22          REMEMBER THAT THE CONSULTANT, CASCADIA, DID SAY NO  
23          QUESTION THAT THE RATE IS 23 TO 26 BASED ON YOUR  
24          STATISTICAL METHODOLOGY. THEIR BELIEF IS THAT IT  
25          IS THE MEDIAN, WHICH JUST HAPPENS TO BE 25.2.

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1                   AND I WILL TELL YOU ALSO THAT I  
2           THINK YOU HAVE A THIRD CHOICE. YOU CAN ACCEPT THE  
3           CONSULTANT'S LOWER RANGE OF CONFIDENCE, 23.2, AND  
4           THEN YOU CAN LET MANUFACTURERS OFF THE HOOK ONE  
5           WAY OR ANOTHER FOR SIX MONTHS UNTIL YOU FIGURE OUT  
6           WHAT THE '96 RATE IS. THANK YOU.

7                   CHAIRMAN PENNINGTON: THANK YOU, MS.  
8           EDWARDS. NEXT IS JOHN SHEDD.

9                   MR. SHEDD: JOHN SHEDD, PRESIDENT OF  
10          TALCO. MR. PENNINGTON, CHAIRMAN, AND MEMBERS OF  
11          THE BOARD, THREE YEARS AGO THE RRAC VOICED CONCERN  
12          ABOUT A NEW METHOD THAT WAS GOING TO BE USED  
13          CALLED A WASTE CHARACTERIZATION STUDY. THIS WAS  
14          OPPOSED TO THE CONVENTIONAL METHOD, WHICH HAD  
15          ALWAYS BEEN USED BASED UPON NATIONAL SALES FIGURES  
16          FOR ANY RECYCLING RATE ANALYSIS THAT HAD BEEN  
17          PERFORMED, AS FAR AS I KNOW, EXCEPT FOR OREGON.

18                   AND I WANT TO SHOW YOU WHY THE  
19          OREGON RATE IS PERHAPS NOT PURPOSEFUL IN THIS  
20          INSTANCE FOR CALIFORNIA.

21                   WE WENT THROUGH THE PROCESS ALWAYS  
22          WITH THE UNDERSTANDING, ALWAYS WITH THE UNDER-  
23          STANDING THAT THERE WOULD BE A BENCHMARK CHECK TO  
24          INDICATE WHETHER THIS NEW METHODOLOGY, WHICH I  
WAS

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25                   SURPRISED TO SEE US ADOPT -- I SUPPOSE IT CAME

310

1 FROM THE FACT THAT APC WAS FAMILIAR WITH IT UP IN  
2 OREGON. I'M NOT SURE WHY WE CHOSE THIS NEW  
3 METHODOLOGY, BUT FINE. IT SEEMED TECHNICALLY  
4 CORRECT AT THE TIME. BUT ALWAYS WITH THE  
5 UNDERSTANDING THAT THERE WOULD BE A BENCHMARK  
6 CHECK WHEN WE FINISHED THE PROCESS.

7 AND THE BENCHMARK CHECK AT THE TIME  
8 IT WAS ASKED IN JULY 1995, THAT CERTAINLY ONE OF  
9 THE BENCHMARKS BE FROM THE NATIONAL SALES FIGURES,  
10 WHICH WERE GENERATED BY MEMBERS OF SBI AND HAD  
11 ALWAYS BEEN USED AS A BENCHMARK IN THE UNITED  
12 STATES.

13 THE NUMERATOR WAS DEVELOPED EASILY,  
14 I THINK. WE ALL FELL IN LINE ON THIS. THERE WERE  
15 SURVEYS TAKEN OF THE RECYCLERS, THE MRF'S, THE  
16 BROKERS. AND THEN THERE WERE SEVERAL BENCHMARKS.  
17 AND THESE BENCHMARKS WERE THE SUBJECT OF ANOTHER  
18 MEETING THAT WE HAD AT THE RRAC. WE HAD TWO OR  
19 THREE MEETINGS ON THE NUMERATOR. ONE MEETING WAS  
20 BASED UPON TALKING ABOUT BENCHMARKS, AND THEN  
21 CASCADIA WENT BACK AND REVIEWED THESE BENCHMARKS  
22 AND CAME BACK WITH SOME CHANGES TO THE NUMERATOR  
23 BASED UPON ANALYZING THE BENCHMARKS. THEY  
24 AVERAGED THE BENCHMARKS.

25 BUT THE DENOMINATOR, WHICH WAS

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1 SEVERAL YEARS -- SEVERAL MONTHS IN THE MAKING  
2 AFTER THE NUMERATOR, WAS SOMETHING THAT WAS  
3 DEVELOPED AND HANDED TO US AT A RRAC MEETING LIKE  
4 ALL OF A SUDDEN. WE HAD TWO HOURS TO HEAR THE  
5 RESULTS OF THE FIGURES THAT HAD COME UP FROM THE  
6 WASTE CHARACTERIZATION STUDY THAT WAS TO DEVELOP  
7 THE DENOMINATOR.

8 AND AFTER GOING THROUGH THE  
9 FIGURES -- AND HOW CAN YOU TALK MUCH ABOUT FIGURES  
10 WHEN THEY SAY, WELL, HERE'S A SAMPLING OF ALAMEDA,  
11 AND IT WAS .7 PERCENT, HERE'S A SAMPLING IN LOS  
12 ANGELES AND IT WAS .3 PERCENT. SO WE TAKE THEM  
13 ALL AND WE COME UP WITH A WASTE CHARACTERIZATION  
14 DENOMINATOR.

15 AND IF YOU TAKE THE PERCENTAGE THAT  
16 YOU GOT IN EACH OF THESE WASTE CHARACTERIZATION  
17 SAMPLES AND YOU LOOK AT THE TOTAL THE AMOUNT OF  
18 MATERIAL BEING RECYCLED IN CALIFORNIA, WHICH IS  
19 PUBLISHED BY THE INTEGRATED WASTE MANAGEMENT  
20 BOARD, THEN YOU APPLY THIS WASTE CHARACTERIZATION  
21 ON THE AVERAGE TO ITS TOTAL AMOUNT BEING RECYCLED,  
22 AND YOU COME OUT WITH THIS NUMBER.

23 WELL, AS A MEMBER OF THE BOARD OF  
24 THE RRAC COMMITTEE, I FELT THAT I COULDN'T COMMENT  
25 ON THAT. IT SOUNDED TECHNICALLY CORRECT. THEN

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1           THEY WENT THROUGH THE NEXT PROCESS AND SAID, WELL,  
2           IF YOU TAKE THIS NUMBER AS THE DENOMINATOR AND ADD  
3           TO IT THE NUMERATOR, AND THEN YOU TAKE THE  
4           NUMERATOR OVER THE DENOMINATOR, YOU COME OUT WITH  
5           A RATE OF 25.2 PERCENT. AND THAT WAS ABOUT AS FAR  
6           AS THE MEETING WENT.

7                         WE ASKED WHERE IS THE BENCHMARK ON  
8           THE DENOMINATOR. THE ANSWER WE GOT WAS THE  
9           BENCHMARK WAS NOT AVAILABLE. THE NUMBER WHICH WE  
10          HAD SELECTED AS A BENCHMARK, WHICH WAS THE  
11          NATIONAL RESIN SALES A YEAR AGO, STILL WAS NOT  
12          AVAILABLE. IT DID BECOME AVAILABLE ABOUT A WEEK  
13          LATER, BUT WE NEVER GOT A CHANCE TO DISCUSS IT.

14                        THIS IS MY FIRST TIME TO DISCUSS IT  
15          BEFORE THE RRAC OR THE BOARD, AND I'M GOING TO  
16          TAKE ADVANTAGE OF IT. I'LL TRY TO MAKE IT QUICK  
17          BECAUSE I KNOW THERE ARE OTHER PEOPLE WANT TO TALK  
18          TOO.

19                        ON THE NUMERATOR WE FELT COMFORT-  
20          ABLE, AS ALL MEMBERS OF THE RRAC DID, I THINK.  
21          78,200 TONS SEEMED TO HAVE GOOD LOGIC AND THE  
22          BENCHMARK CHECKED. HOWEVER, ON THE DENOMINATOR  
23          THERE WERE TWO NUMBERS. ONE WAS THE CASCADIA  
24          NUMBER AND ONE WAS THE CONVENTIONAL WAY, AND  
THE

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25 DENOMINATOR VARIED BY ALMOST OVER 50 PERCENT.

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1                    THEN OREGON WAS GIVEN AS A WAY TO  
2                    VALIDATE THE CALIFORNIA RATE.    AND I TOOK SOME  
3                    FIGURES OUT OF THE OREGON STUDY THAT DON'T  
4                    VALIDATE THE OREGON RATE -- I MEAN THE OREGON  
RATE  
5                    DOESN'T VALIDATE THE CALIFORNIA RATE.  
6                    I TOOK THE NUMBER OUT OF THE STUDY  
7                    THAT WAS DONE BY HARDING LAWSON ASSOCIATES UP  
8                    THERE.    AND THEY CAME OUT -- HERE, I'LL READ IT  
9                    EXACTLY.    IT IS PROJECTED THAT 26.6 MILLION  
POUNDS  
10                   OF PLASTIC BOTTLES, TUBS, CUPS, AND OTHER DEFINED  
11                   CONTAINERS WILL BE RECOVERED IN OREGON IN THE  
YEAR  
12                   1996.    THE VOLUME ACCOUNTS FOR AN ESTIMATED 33.3  
13                   PERCENT OF THE TOTAL 79.9 MILLION POUNDS OF THE  
14                   PACKING MATERIAL GENERATED WITHIN THE STATE.  
15                   IF I TAKE THEIR 79.9 MILLION POUNDS  
16                   GENERATED, AND I TAKE THE RATIO OF THE CALIFORNIA  
17                   POPULATION TO THE OREGON POPULATION, ASSUMING  
THAT  
18                   OREGON USES THE SAME AMOUNT OF RIGID PLASTIC  
19                   CONTAINERS PER CAPITA AS WE DO HERE IN  
CALIFORNIA,  
20                   I GET 400,000 POUNDS.

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21 NOW, IF I TAKE, THEN, AND CALCULATE  
22 RECYCLING RATES FROM ALL OF THESE BENCHMARKS, I  
23 COME OUT WITH THE CASCADIA 25.2, THE CONVENTIONAL  
24 WAY, WHICH IS BASED ON NATIONAL SALES NUMBERS,  
25 15.7 PERCENT, AND THE OREGON PER CAPITA  
PROJECTION

1           OF 19.6 PERCENT.

2                           ONE OTHER THING THAT IN TALKING  
3           ABOUT BENCHMARKS, AND THAT IS THE DOC RATE ON PET  
4           RECYCLING, WHICH WE ALL AGREED WE'D ACCEPT AS 38  
5           PERCENT. I WANT TO POINT OUT AN ANOMALY. THE PET  
6           RATE IS CALCULATED FROM NUMBERS GENERATED BY  
7           INDUSTRY AND SALES DATA ON THE SODA BOTTLES. THE  
8           OTHER 50 PERCENT OF THE PET RATE, WHICH IS CUSTOM  
9           BOTTLES, WHICH IS, LET'S SAY, PEANUT BUTTER JARS,  
10          THINGS LIKE THAT, THAT ALSO USE PET, WAS BASED  
11          UPON USING NATIONAL SALES FIGURES, IF I'M CORRECT.

12                          SO THERE'S THE DOC AND OUR STATE OF  
13          CALIFORNIA IS TAKING RECYCLING RATES OR DEVELOPING  
14          RECYCLING RATES BASED UPON INDUSTRY AND SALES DATA  
15          AS A DENOMINATOR. THEY DIDN'T DO A WASTE  
16          CHARACTERIZATION STUDY. MAYBE THEY SHOULD HAVE.  
17          MAYBE THEY SHOULD GO OUT AND COUNT ALL THE CUSTOM  
18          BOTTLES THAT ARE BEING POURED INTO THE LANDFILL.

19                          I THINK THE BOARD HAS A SERIOUS  
20          RESPONSIBILITY HERE. AND IN LOOKING AT THIS  
21          RESPONSIBILITY, THEY SHOULD REALIZE HOW MUCH GOOD  
22          THE RECYCLING LAWS IN THIS STATE HAVE DONE,  
23          STARTING WITH AB 939 AND THEN THE ENABLING  
24          LEGISLATION THAT CAME BEHIND IT, SOME OF WHICH  
25          SAID YOU HAVE TO HAVE 25-PERCENT RECYCLING RATE

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1           BEFORE YOU CAN SLOW DOWN.    THAT ONLY HAPPENED,  
2           THIS RECYCLING ONLY HAPPENED BECAUSE THESE LAWS  
3           WERE IN PLACE.

4                       BELIEVE ME, I KNOW MY CUSTOMERS.  
5           AND THERE ARE SOME OF THEM THAT ARE GOING TO SLOW  
6           DOWN IF THIS RECYCLING RATE IS OVER 25 PERCENT.  
7           AND I DON'T MIND IT IF THE RECYCLING RATE IS  
8           REALLY OVER 25 PERCENT.   I'LL TAKE MY HITS, AND  
9           I'LL WORK WITH THIS PROCESS, AND I'LL TRY TO MAKE  
10          RECYCLING GO, AND I'LL TRY TO SELL THESE PEOPLE  
11          THAT SOME WHO ARE DOING IT ONLY BECAUSE THE LAW IS  
12          IN PLACE.

13                      BUT I WANT TO MAKE SURE THE  
14          RECYCLING RATE IS THE RIGHT ONE.   IN MY OPINION,  
15          THERE'S A TREMENDOUS DISPARITY WHEN YOU LOOK AT  
16          THE FACTS.   YOU HAVE THE CONVENTIONAL RATE, 15.7  
17          PERCENT.   YOU HAVE THE -- MY WAY OF CALCULATING  
18          THE OREGON RATE, 19.6 PERCENT.   IT'S NOT THE  
19          OREGON RATE.   IT'S THE CALIFORNIA RATE BASED UPON  
20          THE OREGON FIGURES.   THE CASCADIA RATE IS 25.2  
21          PERCENT.

22                      I DON'T KNOW WHICH OF THESE IS THE  
23          CORRECT RATE, AND I DON'T SEE HOW THE BOARD KNOWS  
24          THAT EITHER.   AGAIN, I HAD NO PROBLEM WITH THE  
25          PEOPLE THAT DID THE STUDY.   I THINK THEY'RE ALL

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1           VERY COMPETENT, WHETHER WE TALK ABOUT OUR OWN  
2           STAFF PEOPLE OR WE TALK ABOUT THE CASCADIA PEOPLE.  
3           I THINK THEY DID A GOOD JOB, BUT I HAVE A REAL  
4           PROBLEM WITH ESTABLISHING THE RECYCLING RATE AT  
5           25.2 PERCENT WHEN WE HAVE THIS DISPARITY.

6                       AND I HAVE A REAL PROBLEM ON  
7           ACCEPTING A NEW METHOD, WHICH IS A WASTE  
8           CHARACTERIZATION METHOD, FOR CALCULATING OUR  
9           RECYCLING RATE ON RIGID CONTAINERS; WHEREAS, OVER  
10          ON THIS SIDE, WE HAVE THE SAME STATE OF CALIFORNIA  
11          CALCULATING A RATE BASED UPON NATIONAL SALES  
12          FIGURES.   THANK YOU.

13                   CHAIRMAN PENNINGTON:   THANK YOU, MR.  
14          SHEDD.

15                   MR. SHEDD:   SORRY I TOOK SO LONG.

16                   CHAIRMAN PENNINGTON:   THAT'S ALL RIGHT.  
17          NEXT WE HAVE DAN COLEGROVE, PLEASE.

18                   MR. COLEGROVE:   MR. CHAIRMAN AND MEMBERS,  
19          I'M DAN COLEGROVE OF THE GROCERY MANUFACTURERS OF  
20          AMERICA.   I'M ALSO A MEMBER OF THE VERY APTLY  
21          NICKNAMED RRAC.

22                               GROCERY MANUFACTURERS OF AMERICA IS  
23          A NATIONAL TRADE ASSOCIATION COMPOSED OF MOST OF  
24          AMERICA'S LARGEST CONSUMER PRODUCTS COMPANIES.  
25          OUR MEMBERS COLLECTIVELY PRODUCE ABOUT 85  
PERCENT

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1           OF THE PRODUCTS FOUND IN GROCERY STORE SHELVES  
2           NATIONWIDE IN CALIFORNIA, AND WE HAVE OVER 300  
3           FACILITIES --  
4                        I'M ALSO HERE TODAY ON BEHALF OF  
5           CALIFORNIA'S SMALLER CONSUMER PRODUCTS  
6           MANUFACTURERS, CALIFORNIA'S DAIRIES AND FOOD  
7           PROCESSING COMPANIES. WHAT WE DO IS, AS  
8           COMPANIES, IS WE SELL PRODUCTS, BRAND NAME  
9           PRODUCTS TO CONSUMERS. IN ORDER TO DO THAT, THE  
10          MOST IMPORTANT ITEM WE REALLY SELL IS TRUST.  
11          WE'RE TRYING TO BUILD BRIDGES OF TRUST BETWEEN  
OUR  
12          COMPANIES AND THE CONSUMER.  
13                        AND IN THE ARENA I WORK IN,  
14          LEGISLATIVE REGULATORY AFFAIRS, I TRY TO CARRY  
15          THAT CONCEPT THROUGH, WHY I ALWAYS MAINTAIN WE  
16          LIKE TO PLAY BY THE RULES, WHATEVER THE RULES  
ARE,  
17          EVEN IF WE DON'T LIKE THEM. AND ON THIS ISSUE,  
18          CERTAINLY WE HAVE OVER THE LAST FIVE YEARS  
19          ATTEMPTED TO DO SO. WE'VE BEEN A PART OF EVERY  
20          REGULATORY PROCESS, EVERY HEARING. WE'VE  
PRODUCED  
21          ALL THE REPORTS REQUIRED AND THEN SOME IN AN  
22          ATTEMPT TO ABIDE BY THE RULES.

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23 WHAT THE LAW REALLY BOILS DOWN TO  
IS  
24 THAT BY A CERTAIN DATE CONSUMER PRODUCT MANUFAC-  
25 TURERS HAVE TO BE ABLE TO DEMONSTRATE COMPLIANCE

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1 WITH THIS LAW TO THE BOARD UPON REQUEST OR BE  
2 FINED. THAT'S THE LAW. THAT'S REALLY ALL THERE  
3 IS TO IT. EVERYTHING ELSE ABOUT PROMOTION OF END  
4 MARKETS AND THE EFFECT IT MAY OR MAY NOT HAVE ON  
5 PLASTIC RECYCLING IN CALIFORNIA IS JUST REALLY  
6 SPECULATION AND INNUENDO. REALLY THAT'S THE  
7 ISSUE.

8 AND THE REGULATED COMMUNITY KNOWS  
9 THAT THE BOARD EXPECTS US TO ASSUME OUR  
10 RESPONSIBILITIES UNDER THE LAW TO BE ABLE TO  
11 DEMONSTRATE THAT COMPLIANCE OR BE FINED. WE MAY  
12 NOT BE ABLE TO ACHIEVE COMPLIANCE, BUT WE KNOW  
13 WE'RE EXPECTED TO AT LEAST RESPOND.

14 I GUESS I WOULD JUST CONCLUDE BY  
15 SAYING THAT IT'S OUR HOPE THAT SOMEDAY THAT THE  
16 BOARD WOULD ALSO ASSUME ITS RESPONSIBILITIES  
UNDER

17 THIS LAW AND BEGIN PRODUCING ANNUAL RECYCLING  
RATE

18 NUMBERS AS WAS CALLED FOR IN STATUTE NEARLY  
FOUR

19 YEARS AGO. IF THIS MOTION IN ANY WAY HELPS  
THAT

20 PROCESS TO COME TO CONCLUSION, I GUESS IT'S THE  
21 APPROPRIATE MOTION. THANK YOU.

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22 CHAIRMAN PENNINGTON: THANK YOU. NEXT

WE

23 HAVE LAURIE HANSEN.

24 MS. HANSEN: MR. CHAIRMAN, LAURIE

HANSEN,

25 REPRESENTING THE AMERICAN PLASTICS COUNCIL. I



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1           WOULD VERY MUCH LIKE TO RESPECT YOUR REQUEST TO  
2           SPEAK ONLY TO THE MOTION, BUT BECAUSE OTHER  
PEOPLE

3           IN THIS ROOM HAVE DECIDED TO NOT RESPECT THAT  
4           REQUEST, AMERICAN PLASTICS COUNCIL HAS NO  
CHOICE

5           BUT TO ANSWER THE RIDICULOUS ALLEGATIONS BEING  
6           MADE BY MR. SHEDD AND MS. EDWARDS.

7                       I HAVE WITH ME RON PERKINS, WHO  
IS  
8           THE DIRECTOR OF RECYCLING OPERATIONS FROM  
9           WASHINGTON, D.C., WHO WILL SPECIFICALLY ADDRESS  
10          MR. SHEDD'S ALLEGATIONS. HOWEVER, I WOULD LIKE  
TO

11          SAY THAT I THINK THAT THE STAFF AND THE BOARD  
WERE  
12          VERY SMART IN PUTTING TOGETHER THE RRAC PROCESS  
13          BECAUSE I THINK THAT THAT LED TO A LOT OF  
CONCERNS

14          BEING AIRED AND ANSWERED.

15                       I HAVE TO SAY TO MS. EDWARDS THAT  
I  
16          NEVER EVEN HEARD HER VOICE ON THE TELEPHONE OR  
17          NEVER MET HER AT A RRAC MEETING UNTIL JUNE OF  
18          1996. SO TO SAY THAT SHE HAD EVERY OPPORTUNITY

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TO

19 AIR HER CONCERNS, SHE WASN'T THERE. SO I

20 APOLOGIZE FOR GETTING EMOTIONAL ABOUT THIS, BUT

I

21 THINK THIS HAS BEEN A LONG, TEDIOUS, EXPENSIVE,

22 RIDICULOUS PROCESS THAT HAS LED TO AN OUTCOME

THAT

23 IS LUDICROUS.

24 AT THIS POINT, RON, WOULD YOU

LIKE

25 TO PLEASE SPEAK TO MR. SHEDD'S COMMENTS?

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1                   MR. PERKINS:   MR. CHAIRMAN AND BOARD  
2                   MEMBERS, WHAT YOU ARE BEING PRESENTED WITH IS A  
3                   WRITTEN TESTIMONY, THE LONG VERSION.   I'M NOT  
4                   GOING TO GO THROUGH ALL OF THAT, FOR WHICH YOU  
5                   SHOULD BE THANKFUL.

6                   CHAIRMAN PENNINGTON:   WE ARE.

7                   MR. PERKINS:   BUT AS LAURIE SAID,  
THERE'S

8                   SOME THINGS THAT HAVE BEEN SAID HERE THAT JUST  
9                   AREN'T TRUE.   AND I'D LIKE TO JUST HIT UPON SOME  
10                  OF THOSE, ESPECIALLY, I GUESS, WHAT MR. SHEDD  
11                  SAID.

12                  I WAS INVOLVED IN THE RECYCLING  
RATE

13                  SET METHODOLOGY ESTABLISHMENT AND IMPLEMENTATION  
14                  IN OREGON.   I WAS THERE.   I WAS ON THE COMMITTEE  
15                  THAT ADVISED LAWSON HARDING ASSOCIATES IN  
OREGON.

16                  I KNOW WHAT THE NUMBERS STAND FOR.   I KNOW HOW  
THE  
17                  PROCESS WAS DONE.

18                  I WAS INVOLVED IN ALL THE RRAC  
19                  MEETINGS HERE.   JOAN EDWARDS WAS NOT AT THE JUNE  
20                  1, 1995, MEETING WHERE IT WAS AGREED BY THE RRAC  
21                  MEMBERS WHO WERE THERE, AND EVERYBODY IS AWARE

OF

22 THE MEETING, THAT THE DEAL WAS TO HAVE CASCADIA  
23 CONSULTING DO THE WASTE SAMPLING METHODOLOGY.

AND

24 SHE DID NOT SHOW UP AT ANY OF THE MEETINGS UNTIL  
25 JUNE 1996.

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1 I THINK IF YOU DO A EITHER READING  
2 OF THE TRANSCRIPTS OR LISTEN TO THE TAPES OF  
THOSE  
3 MEETINGS, YOU WILL HEAR MS. EDWARDS PRAISE  
4 LAVISHLY CASCADIA AND THE STAFF FOR -- AT THE  
5 MEETING THAT SHE CAME TO SAYING WE RAISED  
6 QUESTIONS. THEY WERE LEGITIMATELY ADDRESSED IN  
7 THIS FORUM, AND THAT'S ABOUT AS CLOSE AS I CAN  
GET  
8 TO HER WORDS. DOESN'T MATTER WHAT I SAY OR WHAT  
9 SHE SAYS. YOU LISTEN TO HER WORDS AT THAT  
10 MEETING, AND YOU WILL FIND OUT EXACTLY WHAT SHE  
11 SAID, AND THAT IS WHAT SHE SAID.  
12 IN OREGON YOU CAN'T DO A PER  
CAPITA  
13 INTO OREGON VERSUS CALIFORNIA BECAUSE OREGON HAS  
14 RPC'S; YOU HAVE RPPC'S. RPC'S INCLUDE POLY-  
15 STYRENE, ALL OF THE EXEMPT MATERIALS FROM YOUR  
16 SEVEN-DAY SHELF LIFE. IT INCREASES THE PER  
CAPITA  
17 BASED ON RPC'S SUBSTANTIALLY IN OREGON. IT'S  
LIKE  
18 COMPARING APPLES TO ORANGES.  
19 SPEAKING OF TRYING TO COMPARE  
APPLES

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20 TO ORANGES, THAT IS WHAT WE'RE TALKING ABOUT  
WHEN

21 WE'RE TALKING ABOUT THE NATIONAL RESIN  
STATISTICS

22 VERSUS THE WASTE SAMPLING METHODOLOGY.

23 I HEAR A LOT OF PEOPLE AROUND HERE

24 TALK LIKE THEY REALLY KNOW WHAT THE NATIONAL  
RESIN

25 STATISTICS ARE. I WORK WHERE THOSE ARE  
GATHERED.

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1 THE NATIONAL RESIN STATISTICS ARE EXACTLY THAT.  
2 THEY'RE RESIN. THEY ARE NOT RPPC'S. PLASTIC  
3 RESIN HAS TO GO THROUGH A NUMBER OF STEPS BEFORE  
4 IT HAS THE PRIVILEGE OF BECOMING AN RPPC THAT IS  
5 EITHER RECYCLED OR DISPOSED IN THE STATE OF  
6 CALIFORNIA.

7 TO TAKE NATIONAL RESIN STATISTICS  
8 AND APPLY THEM TO CALIFORNIA IS THE SAME -- IS  
9 ANALOGOUS TO SAYING THAT YOUR ELECTRICITY BILL  
10 SHOULD BE CALCULATED BY TAKING HOW MUCH POWER IS  
11 PRODUCED AT A POWER PLANT AND THEN DIVIDING IT BY  
12 THE NUMBER OF USERS AND THAT THAT SHOULD BE YOUR  
13 UTILITY RATE AND WHAT YOU SHOULD PAY FOR. SAME  
14 THING WITH WATER. IF YOU WANT TO LOOK AT HOW MUCH  
15 WATER YOU'RE USING IN YOUR HOUSE, WHAT YOU DO IS  
16 YOU TURN ON THE FAUCET, PUT A CUP UNDER IT, AND  
17 YOU LOOK. THAT'S WHAT THE WASTE SAMPLING  
18 METHODOLOGY DOES. IT LOOKS AT WHAT IS EITHER  
19 RECYCLED OR DISPOSED.

20 WHAT THE NATIONAL RESIN STATISTICS  
21 ARE ARE THE RESIN UP AT THE NATIONAL LEVEL, AND  
22 THERE ARE FOUR FUNDAMENTAL REASONS WHY YOU  
CANNOT

23 USE THEM -- WHY THEY HAVE TO BE ADJUSTED. AND I  
24 JUST WILL GO THROUGH THOSE, AND I'LL END MY  
25 TESTIMONY.

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1 I'D LIKE TO JUST PUT ON A -- THIS  
2 SHOULD SETTLE IT ONCE AND FOR ALL. FIRST, AS WE  
3 HAVE SAID MANY TIMES, 1994, 1995, 1996, TO THE  
4 RRAC, TO THE BOARD, TO THE LOCAL ASSISTANCE AND  
5 PLANNING COMMISSION, TO THE STAFF, EVERYBODY  
6 INVOLVED IN THIS PROCESS, WE'VE GIVEN WRITTEN  
7 TESTIMONY THAT THE NATIONAL RESIN STATISTIC  
8 CATEGORIES THAT ARE ESTABLISHED BY THE COMMITTEE  
9 FOR RESIN STATISTICS OR THE SPI, WHICH HAS  
NOTHING  
10 TO DO WITH RPPC'S, HAS NOTHING TO DO WITH RPC'S,  
11 THE CATEGORIES ARE VERY BROAD, AND THEY INCLUDE  
12 BOTH RPPC'S AND NON-RPPC'S.  
13 THERE'S A SPECIFIC EXAMPLE THAT I  
14 POINTED OUT TO A COUPLE OF THE BOARD MEMBERS.  
AND  
15 IT'S IN THE TESTIMONY THAT I HAVE THAT SHOWS  
RIGID  
16 PACKING ON POLYPROPYLENE, FOR EXAMPLE. STAFF IN  
17 THEIR MAYBE HALF-A-DAY CALCULATION OF WHAT THE  
18 RATE WAS ON -- BASED ON NATIONAL RESIN STATISTICS  
19 USED RIGID PACKAGING. THAT INCLUDES PALLETS,  
20 SYRINGES, PAINT, CRATES, LIDS, CAPS, A  
SIGNIFICANT  
21 AMOUNT OF MATERIAL THAT ARE NOT RPPC'S. IT'S

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ONLY

22 BY INCLUDING THAT MATERIAL THAT YOU GET THIS  
23 NUMBER OF 15.7, WHICH HAS TAKEN ON A LIFE WHICH  
24 HAS NO MORE BUSINESS THAN SOMEBODY WALKING IN  
THIS  
25 ROOM AND SAYING 12.2. THERE'S NO BUSINESS IN

1 USING THAT. THAT HAS NOT BEEN DONE.

2 BOARD MEMBER CHESBRO: I HAVEN'T HEARD  
3 ANYBODY CLAIM THAT THAT IS A GOOD NUMBER. I  
4 HAVEN'T HEARD ANYBODY SAY THAT YET, AND I'VE BEEN  
5 LISTENING TO A WHOLE LOT OF PEOPLE TALKING ABOUT  
6 IT. SO LET'S NOT ATTACK IT LIKE IT'S THE ISSUE.

7 MR. PERKINS: OKAY. BUT THE TESTIMONY,  
8 WHAT SAYS IS, THE ONE THAT A YEAR'S WORTH OF  
9 RESOURCES AND SCRUTINY FROM ALL INVOLVED PARTIES,  
10 THAT NUMBER CANNOT BE RIGHT. NOT BECAUSE IT  
11 WASN'T ENOUGH SAMPLES, IT'S NOT STATISTICALLY  
12 VALID. YOU KNOW WHAT THE REASON IS? BECAUSE IT  
13 DOESN'T COMPARE CORRECTLY WITH THE WRONG NUMBER.

14 BOARD MEMBER CHESBRO: IT IS A NUMBER  
15 THAT APC USED LAST YEAR TO ANNOUNCE ITS NATIONAL  
16 RECYCLING RATE BEFORE THIS --

17 MR. PERKINS: NO.

18 BOARD MEMBER CHESBRO: WE HAVE A PRESS  
19 RELEASE FROM APC WHICH SAID THAT, ANNOUNCING ITS  
20 NATIONAL RECYCLING RATE BASED ON THE NATIONAL  
21 RESIN SALES DATA.

22 MR. PERKINS: YOU CAN USE -- ON A  
23 NATIONAL BASIS YOU CAN USE NATIONAL RESIN  
24 STATISTICS AND MAKE A CONSERVATIVE ESTIMATE OF  
25 WHAT RECYCLING RATES ARE.

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1 BOARD MEMBER CHESBRO: LET'S PUT IT IN  
2 CONTEXT. THE BOARD ADOPTED THAT AS A BENCHMARK,  
3 NOT AS THE PRIMARY METHODOLOGY FOR THIS YEAR, AS A  
4 BENCHMARK. ADMITTEDLY, STAFF DID NOT USE THE  
5 INTERVENING YEAR TO TRY TO FIGURE OUT WHAT THE  
6 ADJUSTMENTS THAT SHOULD BE MADE TO MAKE THE NUMBER  
7 LOOK MORE REALISTIC, AND THAT'S ONE OF THE THINGS  
8 WE HOPE WILL HAPPEN IN THE NEXT COUPLE MONTHS  
9 HERE.

10 MR. PERKINS: THAT'S WHY I AGREE WITH THE  
11 CHAIRMAN'S MOTION, THAT WHEN THIS ALL COMES OUT,  
12 WHEN YOU DO THESE STEPS, THAT'S ONLY STEP NO. 1.  
13 STEP NO. 2, YOU ARE GOING TO HAVE TO LOOK AT THE  
14 LOSSES. AND JOHN SHEDD AND OTHER MEMBERS  
15 RIGHTFULLY MADE SURE THAT WE LOOKED AT YIELD  
16 LOSSES ON RECYCLED RESIN. THEY'RE WHAT I WILL  
17 CALL YIELD LOSSES FROM THE TIME YOU HAVE RESIN  
18 UNTIL YOU GO TO BOTTLE MAKING, BOTTLE DECORATING,  
19 BOTTLE FILLING, DISTRIBUTION INTO THE HOME, NOT  
20 NECESSARILY OUT OF THE HOME. PEOPLE DO REUSE  
21 DAIRY CONTAINERS, YOGURT CUPS FOR PUTTING BUTTONS,  
22 PENNIES, WHATEVER IN. ALL OF THOSE HAVE TO BE  
23 TAKEN INTO ACCOUNT. THEY'RE ALL YIELD LOSSES.  
24 THAT'S NO. 2.  
25 NO. 3, AND PROBABLY THE MOST

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1           IMPORTANT ONE THAT NOBODY HAS EVEN BROUGHT UP, AND  
2           IT'S INCREDIBLY SIGNIFICANT, IS THAT IF YOU --  
3           USING THE NATIONAL RESIN STATISTICS, YOU HAVE TO  
4           MAKE A LEAP OF FAITH THAT EVERYTHING THAT'S  
5           PURCHASED, CONSUMED IN CALIFORNIA AT THE SAME RATE  
6           AS NATIONALLY. WELL, YOU HAVE -- EVERY PRODUCT  
7           HAS ANY -- TALK TO ANY CONSUMER PRODUCTS COMPANY,  
8           EVERY PRODUCT HAS ITS OWN STORY, ITS OWN NATIONAL  
9           DISTRIBUTION. THERE IS NO SUCH THING AS AVERAGE.  
10          CALIFORNIA USES MORE OF ONE PRODUCT AND LESS OF  
11          ANOTHER. YOU HAVE TO LOOK AT ALL THE PRODUCTS.

12                       YOU LOOK AT THE ONE PRODUCT THAT YOU  
13          HAVE DATA ON THAT WE ALL AGREE ON, THE ONE NUMBER  
14          THAT EVERYBODY IN THIS PROCESS AGREED ON. DOC  
15          SAYS THERE ARE 102,880,000 POUNDS OF PET USED IN  
16          SODA BOTTLES IN CALIFORNIA. WE ALL AGREE ON THAT.  
17          THAT'S A CORRECT NUMBER. IF YOU APPLY THE  
18          NATIONAL RESIN STATISTICS FOR PET TO CALIFORNIA,  
19          YOU WOULD GET 178 MILLION. YOU WOULD BE OFF BY 74  
20          PERCENT.

21                       NOW, PUT YOURSELF IN OUR SHOES. YOU  
22          EXPECT THE PLASTICS INDUSTRY AND ITS CUSTOMERS TO  
23          SAY, WELL, HERE, THAT ONE WAS OFF BY 74 PERCENT.  
24          THAT LOOKS LIKE A GOOD METHODOLOGY. LET'S USE  
25          THAT. IT IS OFF BY 74 PERCENT. THAT'S ONE

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1           PRODUCT.   THERE ARE A HUNDRED FIFTY THOUSAND  
2           PRODUCTS TO GO.   YOU CANNOT MAKE THE ASSUMPTION  
3           THAT EVERYTHING THAT'S PURCHASED IN CALIFORNIA AS  
4           IT IS NATIONALLY.

5                       AND FINALLY, NOT ALL RPPC'S THAT ARE  
6           PURCHASED IN CALIFORNIA ARE DISCARDED, RECYCLED,  
7           OR DISPOSED.   WHEN YOU GO THROUGH ALL OF THESE  
8           STEPS, YOU END UP RIGHT WHERE -- YOU END UP AT THE  
9           DISPOSAL SITE.   SO WE WENT TO THE DISPOSAL SITE  
10          INSTEAD OF GOING -- BECAUSE WE DON'T HAVE DATA ON  
11          THIS.   NOBODY DOES.   THE STATE OF CALIFORNIA WILL  
12          HAVE TO CREATE DATA ON THIS IN ORDER TO GO THROUGH  
13          TO ADJUST THE NATIONAL RESIN STATISTICS TO WHAT  
14          ACTUALLY HAPPENS IN CALIFORNIA BECAUSE WE LOOKED  
15          AT WHAT ACTUALLY HAPPENS IN CALIFORNIA BY GOING TO  
16          THE DUMP.   WHEN YOU WANT TO SEE WHAT'S THERE, YOU  
17          TAKE A LOOK AT IT.

18                      I WILL END THERE AND AGAIN SAY THAT  
19          WE'RE IN SUPPORT OF THE MOTION BECAUSE, IF IT IS  
20          CARRIED OUT AS IT IS INTENDED, YOU WILL FIND OUT  
21          WHAT THE NATIONAL RESIN STATISTICS REALLY ARE AND  
22          WHAT THEY ARE REALLY NOT.   AND I THANK YOU FOR THE  
23          OPPORTUNITY AND THAT'S IT.

24                      CHAIRMAN PENNINGTON:   THANK YOU.   AND  
25          FINALLY KEITH ATKINS, WHO CAME ALL THE WAY FROM

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1 DANBURY, CONNECTICUT.

2 MR. ATKINS: REST ASSURED I WILL BE VERY  
3 BRIEF. I AM KEITH ATKINS, DIRECTOR OF SOLID WASTE  
4 MANAGEMENT WITH UNION CARBIDE. UNION CARBIDE IS,  
5 I GUESS, ONE OF THE OWNERS, IF YOU WILL, OF APC,  
6 ALONG WITH 25 OR SIX OTHER COMPANIES. WE'RE ALSO  
7 MEMBERS OF THE ASSOCIATION OF POSTCONSUMER PLASTIC  
8 RECLAIMERS. I SERVE AS UNION CARBIDE'S MAIN  
9 CONTACT WITH BOTH APC AND APR. WE'VE BEEN  
10 INVOLVED AND I'VE BEEN INVOLVED IN THESE ISSUES  
11 SINCE 1988.

12 I CURRENTLY SERVE AS THE CHAIRMAN OF  
13 APC'S PACKAGING COMMITTEE, AND ONE OF OUR MAJOR  
14 JOBS IS THE CONTINUED PROMOTION OF MECHANICAL  
15 RECYCLING. I'M ALSO ON APC'S WEST COAST TASK  
16 FORCE.

17 WITH YOUR PERMISSION, I HAVE A FEW  
18 REMARKS THAT I'LL SKIP AND SEND TO YOU IN WRITING  
19 WHEN I RETURN TO DANBURY. I'D LIKE TO MAKE ONE  
20 COMMENT ABOUT THE MOTION THAT'S BEING MADE. FROM  
21 MY 39 YEARS IN THE POLYETHYLENE -- IN THE PLASTICS  
22 INDUSTRY, I'M CONFIDENT THAT WHEN YOUR STAFF  
23 REVIEWS THE NATIONAL RESIN SALES STATISTICS MORE  
24 CLOSELY, THAT THEY'LL COME TO THE CONCLUSION THAT  
25 THEY ARE NOT A VALID INDICATOR OF THE DENOMINATOR

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1 FOR THIS CALCULATION.

2 THE OTHER REMARK THAT I'LL MAKE IN  
3 CLOSING IS THIS IS AN PRETTY IMPORTANT ISSUE.  
4 THERE'S A LOT OF PEOPLE THAT HAVE INCOMES AND JOBS  
5 ON THE LINE. AND I CERTAINLY URGE AND HOPE THAT  
6 YOU WILL CONTINUE TO SEARCH FOR THE TRUTH AND TO  
7 MAKE YOUR DECISIONS BASED ON THE FACTS AND ON  
8 SOUND STATISTICS. THANK YOU.

9 CHAIRMAN PENNINGTON: THANK YOU. VERY  
10 GOOD. THANK YOU. THAT CONCLUDES THE PUBLIC  
11 TESTIMONY. WE HAVE A MOTION THAT'S BEEN OFFERED  
12 AND SECONDED. ARE YOU ALL PREPARED TO VOTE?

13 MR. CHANDLER: MR. CHAIRMAN, I'D LIKE TO  
14 MAKE A COMMENT IF I COULD.

15 CHAIRMAN PENNINGTON: CERTAINLY.

16 MR. CHANDLER: I FEEL LIKE IT'S  
17 IMPORTANT, JUST TO SOME DEGREE, TO DEFEND STAFF A  
18 BIT. I'VE HEARD SOME DISCUSSION THAT THE LAST  
19 YEAR THE PROCESS THAT WE FOLLOWED WAS PERHAPS NOT  
20 ONE WHERE WE PUT OUR NECKS ON THE LINE. WELL,  
21 THEN PERHAPS WAS ENOUGH INDEPENDENT ENOUGH. AND I  
22 JUST THINK IT'S IMPORTANT, AS YOU CONSIDER THIS  
23 MOTION, THAT I THINK YOU'VE TAKEN QUITE A BIT OF  
24 TIME TO PUT A LOT OF THOUGHT INTO, THAT YOU JUST  
25 BE MINDFUL OF YOUR DIRECTION TO STAFF AS OF JULY

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1           25, 1995.

2                       AND THAT TITLE OF THAT ITEM, AS I GO  
3           TO BOARD'S ACTION, CONSIDERATION OF A RECOMMENDA-  
4           TION FOR THE DEVELOPMENT OF AN ALL-CONTAINER RIGID  
5           PLASTIC PACKAGING CONTAINER RECYCLING RATE  
6           METHODOLOGY. THAT SUMMARY OF ACTION WAS MOVED BY  
7           BOARD MEMBER WESLEY CHESBRO IN VENTURA ON JULY,  
8           AGAIN, OF 1995.

9                       AND THERE'S FIVE POINTS TO THAT  
10          MOTION. NO. 1 IS BOARD STAFF IS TO WORK WITH THE  
11          APC TO FORM A JOINT APC BOARD STUDY;

12                      NO. 2, THE ALL-CONTAINER RECYCLING  
13          RATE NUMERATOR, THE BOARD -- FOR THE ALL-CONTAINER  
14          RECYCLING RATE, THE BOARD AND THE APC WILL WORK  
15          JOINTLY TO DEVELOP THE SURVEY AND ACQUIRE RAW  
16          DATA;

17                      NO. 3, THE APC AND THE BOARD ARE TO  
18          SEND PROGRESS REPORTS OR UPDATES, NOT ONLY TO THE  
19          RRAC, BUT TO THE APR. THAT'S THE ASSOCIATION OF  
20          POSTCONSUMER PLASTIC RECYCLERS;

21                      NO. 4, THE BOARD WILL WORK JOINTLY  
22          WITH THE APC TO CONDUCT WASTE CHARACTERIZATION AT  
23          LANDFILLS. THE BOARD STAFF WILL WORK WITH THE  
24          RRAC TO DEVELOP A PRORATED DENOMINATOR BASED ON  
25          NATIONAL RESIN SALES DATA.

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1                                   AND THE FIFTH POINT HAS TO DEAL  
WITH  
2                   MASKING THE RAW DATA AS IT COMES FROM MANUFAC-  
3                   TURERS.  
4                                   SO I JUST WANT TO AGAIN GET ON THE  
5                   RECORD THAT OVER THE LAST YEAR, MR. CHAIRMAN AND  
6                   MEMBERS, WE HAVE BEEN WORKING WITH THE APC AT  
YOUR  
7                   DIRECTION.   AND WHILE IT CAN BE ARGUED THAT  
8                   PERHAPS STAFF HAS NOT BEEN INDEPENDENT, WE FEEL  
9                   WE'VE BEEN VERY FAITHFUL TO YOUR DIRECTION TO  
WORK  
10                  WITH THE APC ON ALL FIVE OF THESE POINTS THAT MR.  
11                  CHESBRO'S MOTION BROUGHT FORWARD.  
12                                  SO YOU HAVE ASKED FOR STAFF TO DO  
13                  FIVE THINGS IN YOUR MOTION.   YOU'VE ASKED US TO  
GO  
14                  BACK AND INVESTIGATE THE VIABILITY OF THE  
NATIONAL  
15                  RESIN SALES DATA.   YOU'VE ASKED STAFF TO DIRECT  
16                  AND CONSULT WITH DEVELOPERS AND PUBLISHERS OF THE  
17                  NATIONAL RESIN SALES DATA.   YOU'VE ASKED STAFF TO  
18                  DIRECT AND KEEP ALL INTERESTED PARTIES TO  
EVALUATE  
19                  THE RECYCLING RATE AS A BENCHMARK FOR THE

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VALIDITY

20                   OF THESE NUMBERS.   YOU'VE ASKED STAFF TO DIRECT -

-

21                   TO LIST AND RESPOND TO THE ISSUES RAISED BY

22                   MEMBERS, THE RRAC, AND OTHER INTERESTED PARTIES.

23                   AND YOU'VE ALSO ASKED IN SPETEMBER TO BRING THIS

24                   BACK TO THE PLANNING COMMITTEE.

25                                   SO WITH THAT, I'D LIKE TO ASK

DEPUTY

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1           DIRECTOR TRGOVCICH IF YOU HAVE ANY CLARIFYING  
2           POINTS ON THIS MOTION IN CONTEXT.

3                   BOARD MEMBER CHESBRO:   MR. CHAIRMAN,  
4           BEFORE MR. CHANDLER LEAVES THIS, I HAVE A COPY OF  
5           THAT MOTION SOMEWHERE HERE, AND I'VE BEEN DIGGING  
6           TO FIND IT, BUT THERE ARE TWO THINGS THAT IT  
7           INCLUDED BESIDES -- IN ADDITION TO WHAT YOU'VE  
8           MENTIONED.   ONE OF THEM IS THAT WE WOULD FUND AN  
9           INDEPENDENT CONTRACTOR TO REVIEW THE WORK.   THAT  
10          SOMEHOW ALONG THE WAY GOT DROPPED OFF.   AND  
11          THEN -- ADMITTEDLY, BY THE BOARD.   I'M NOT LAYING  
12          THAT ON STAFF BECAUSE WHEN THE CONFLICT DEVELOPED  
13          OVER WHETHER THAT WAS THE BOARD INTENDED, THE  
14          BOARD CHANGED ITS MIND.

15                   BUT IN ADDITION TO THAT, WE ALSO  
16          ASKED THAT THE NATIONAL RESIN NUMBER BE DEVELOPED  
17          AND BE PRESENTED TO THE RRAC.   AND I DON'T BELIEVE  
18          THAT THAT EVER HAPPENED UNTIL A VERY SHORT TIME  
19          AGO.   SO THAT'S WHAT I WAS REFERRING TO.   I CAN'T  
20          SPEAK TO WHAT MEMBERS OF THE AUDIENCE WERE TALKING  
21          ABOUT.   BUT IN TERMS OF THE ONE THING I DID  
22          MENTION, THAT WAS SPECIFICALLY WHAT I WAS  
23          ADDRESSING.

24                   MR. CHANDLER:   YEAH.   I THINK IT'S  
25          HIGHLIGHTED THERE IN YELLOW, TO PRORATE THE

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1 DENOMINATOR BASED ON THE NATIONAL RESIN SALES DATA  
2 AND PRESENT THE INFORMATION TO THE RRAC. AND  
3 YOU'RE CORRECT, MR. CHESBRO. THAT WORK WAS  
4 ADDRESSED IN THE AGENDA, BUT CERTAINLY MORE COULD  
5 HAVE BEEN DONE IN THAT REGARD.

6 SO, CAREN, DO YOU HAVE ANY.

7 MS. TRGOVCICH: THE ONLY POINT OF  
8 CLARIFICATION THAT I WOULD LIKE TO ASK IS I  
9 UNDERSTAND THAT YOUR MOTION WOULD DIRECT US TO  
10 RESPOND TO THOSE ISSUES RAISED BY BOARD MEMBERS  
11 HERE IN PAST MEETINGS AS WELL AS BY MEMBERS OF  
12 THE  
13 RRAC AND OTHER INTERESTED PARTIES THAT HAVE BEEN  
14 RAISED DURING THE PROCESS TO DEVELOP THE '95  
15 RATE.

16 AND IN REVISITING THESE ISSUES, I JUST WANT TO  
17 CLARIFY THAT YOU'RE NOT DIRECTING US TO DEVELOP  
18 A

19 NEW RATE, BUT TO GO BACK BASED UPON THE PRIOR  
20 WORK

21 AND BE ABLE TO FERRET OUT SOME OF THESE ISSUES,  
22 RESPOND TO THEM IN GREATER DETAIL TO THOSE  
23 PERTINENT ISSUES RAISED BY MEMBERS OF THE RRAC  
24 AND  
25 OTHERS SO THAT THERE CAN BE A FULLER HEARING ON

21            THAT AT THE UPCOMING PLANNING MEETING.  
22                        CHAIRMAN PENNINGTON: CORRECT. THAT'S  
23            THE INTENT OF MY MOTION. OKAY. ARE WE --  
24                        BOARD MEMBER RELIS: MR. CHAIR. THEN I  
25            JUST HAVE ONE CLOSING STATEMENT.

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1                   CHAIRMAN PENNINGTON:  YES, WONDERFUL.  
2           WILL THE SECRETARY CALL THE ROLL, PLEASE.  
3                   BOARD SECRETARY:  BOARD MEMBER CHESBRO.  
4                   BOARD MEMBER CHESBRO:  AYE.  
5                   BOARD SECRETARY:  FRAZEE.  
6                   BOARD MEMBER FRAZEE:  AYE.  
7                   BOARD SECRETARY:  GOTCH.  
8                   BOARD MEMBER GOTCH:  AYE.  
9                   BOARD SECRETARY:  RELIS.  
10                  BOARD MEMBER RELIS:  AYE.  
11                  BOARD SECRETARY:  CHAIRMAN PENNINGTON.  
12                  CHAIRMAN PENNINGTON:  AYE.  MOTION  
13           CARRIES.  YES, MR. RELIS.  
14                   BOARD MEMBER RELIS:  WELL, MR. CHAIR,  
15           IT'S CLEAR OUR STAFF HAS GOT ITS WORK CUT OUT.  
16           THERE HAVE BEEN SOME SERIOUS ACCUSATIONS MADE HERE  
17           TODAY.  THERE'S OBVIOUSLY A GOOD DEPTH OF ACRI-  
18           MONY.  
19                               WE'RE GOING TO BE WORKING WITH STAFF  
20           BOARD TO LOOK INTO THE, QUOTE, TRUTH OF THIS  
21           ISSUE.  AND I WOULD, FOR ONE, LIKE TO MAKE SURE  
22           THAT WE'VE COVERED ALL THE BASES WITH POINT,  
23           COUNTERPOINT.  THERE HAVE BEEN STATEMENTS MADE  
24           THAT PEOPLE WEREN'T INVOLVED.  AND YOU HAVE THE  
25           RECORD, WE HAVE THE TRANSCRIPT.  I REALIZE -- OR

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1           SOMEBODY DOES, I THINK. I WOULD LIKE TO SEE AS  
2           CLOSE TO POSSIBLE WHAT IS THE HISTORY HERE IN THE  
3           DISCUSSIONS THAT WERE CARRIED ON AND WHO SAID WHAT  
4           SUPPOSEDLY.

5                   MS. TRGOVCICH: IN SEEKING CLARIFICATION  
6           ON THAT, IS IT THE DIRECTION OF THE BOARD, THEN,  
7           THAT WE FOCUS ON THE CONTENT OF THE DISCUSSIONS AS  
8           WELL AS THE PROCESS IN TERMS --

9                   BOARD MEMBER RELIS: I THINK YOU HAVE THE  
10          TECHNICAL ISSUE TO -- THE TRUTH HERE IS THE  
11          TECHNICAL ONE, I BELIEVE, THAT'S ABOUT STATISTICS  
12          AND METHODS AND ANALYSIS, VALIDITY OF THAT.

13                   THERE'S ALSO A BODY OF RECORD THAT,  
14          JUST SO I THINK SOME OF US WHO WEREN'T THERE HAVE  
15          LISTENED TO THIS DISCUSSION AND POINTS AND  
16          COUNTERPOINTS WOULD LIKE TO GET AS CLOSE TO THE  
17          RECORD AS WE CAN. THAT'S SEPARATE FROM THE  
18          TECHNICAL MATTER, AND THAT'S JUST GOING BACK AND  
19          DELVING INTO SOME HISTORY HERE.

20                   CHAIRMAN PENNINGTON: OKAY. WE HAVE ONE  
21          FINAL ITEM, THE ADDENDUM TO OUR AGENDA, WHICH IS  
22          CONSIDERATION OF A PROPOSED APPROACH TO FURTHER  
23          WORK ON THE CALIFORNIA INTEGRATED WASTE MANAGEMENT  
24          BOARD'S INITIATIVE TO DEVELOP STRATEGIES TO MEET  
25          THE 50-PERCENT DIVERSION MANDATE.

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1                   MR. CHANDLER:   THANK YOU, MR. CHAIRMAN.  
2                   IN THE INTEREST OF TIME, I'LL FORGO MY OPENING  
3                   REMARKS AND REALLY JUST EMPHASIZE THE IMPORTANCE,  
4                   AS YOU ALL KNOW, THAT STAFF AND THE BOARD HAVE  
5                   PLACED BEHIND THIS INITIATIVE. WE NEED TO NEARLY  
6                   DOUBLE OUR RECYCLING RATE OVER THE NEXT THREE  
7                   YEARS. STAFF IS PREPARED TODAY TO GIVE A BRIEF  
8                   SUMMARY OF WHAT WE'RE CALLING GETTING TO 50  
9                   PERCENT. AND I'LL ASK LORRAINE VAN KEKERIX OF THE  
10                  PLANNING STAFF TO MAKE A BRIEF STAFF PRESENTATION.

11                 MS. VAN KEKERIX: THIS IS THE FIST TIME  
12                 I'VE BEEN ABLE TO SAY GOOD EVENING TO THE BOARD AS  
13                 I GIVE A PRESENTATION. I WILL GIVE YOU A VERY  
14                 BRIEF PRESENTATION AND THEN BE READY FOR ANY  
15                 QUESTIONS THAT YOU MIGHT HAVE OF ME.

16                 THIS 50-PERCENT INITIATIVE IS  
17                 BASICALLY LAYING OUT FOR YOUR CONSIDERATION WHAT  
18                 THE STAFF PROPOSES TO BE THE NEXT STEPS ON THE  
19                 PROCESS THAT THE BOARD HAS ALREADY BEGUN. YOU'VE  
20                 ALREADY HAD THREE WORKSHOPS IN OCTOBER AND  
21                 NOVEMBER OF 1995 AND APRIL OF 1996 TO GATHER INPUT  
22                 AND SUGGESTIONS ON THE ACTIVITIES THAT ARE NEEDED  
23                 TO GET TO 50 PERCENT FROM THE VARIETY OF PEOPLE  
24                 INTERESTED IN WASTE MANAGEMENT AND RECYCLING.  
25                 WE ALSO SOLICITED SUGGESTIONS FROM

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1           LOCAL GOVERNMENTS AT ABOUT 35 TRAINING WORKSHOPS,  
2           AND WE HAVE ALL OF THOSE IDEAS COMPILED. AT THIS  
3           POINT A TEAM HAS BEEN ASSIGNED FROM THROUGHOUT  
THE  
4           BOARD, ASSIGNED BY THE EXEC STAFF, TO COORDINATE  
5           THE ANALYSIS OF SUGGESTIONS TO DEVELOP  
RECOMMENDA-  
6           TIONS FOR THE BOARD.  
7                           TO ACCOMPLISH THIS, THE TEAM  
8           PROPOSES THAT THE BOARD GATHER ADDITIONAL  
9           SUGGESTIONS ON WHAT WE NEED TO DO TO GET TO 50  
10          PERCENT FROM WITHIN THE BOARD, DEVELOP AND APPLY  
A  
11          CONSISTENT METHOD FOR EVALUATING ALL SUGGESTIONS,  
12          DEVELOP STRATEGIES AND PRIORITIES FOR THOSE  
13          STRATEGIES BASED ON THE EVALUATIONS PERFORMED,  
AND  
14          FINALLY, PREPARE AT LEAST ONE BOARD AGENDA ITEM  
15          CONTAINING STAFF'S RECOMMENDED STRATEGIES AND  
16          PRIORITIES.  
17                           AND IF YOU HAVE ANY QUESTIONS, I'LL  
18          BE HAPPY TO GO OVER THOSE RECOMMENDATIONS THAT  
THE  
19          TEAM HAS. OTHERWISE, THAT'S IT FOR MY PRESENTA-  
20          TION.

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21                               BOARD MEMBER CHESBRO:   THE UNFORTUNATE  
22                   THING IS THAT THIS IS AN EXTREMELY IMPORTANT  
23                   PROCESS.   I DON'T THINK -- EVEN THOUGH WE'RE HERE  
24                   AT THE ELEVENTH HOUR AND EVERYBODY NEEDS TO  
LEAVE ,  
25                   IT'S VERY IMPORTANT, AND I HOPE ALL THE BOARD

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1 MEMBERS WILL AGREE THAT THAT DOESN'T DIMINISH THE  
2 CRITICAL NATURE OF THIS AND THE GOOD WORK THAT  
3 THIS TASK FORCE HAS BEEN DOING.

4 CHAIRMAN PENNINGTON: I CERTAINLY CONCUR  
5 WITH MR. CHESBRO. AND I AM SORRY THAT WE'RE AT  
6 THIS LATE HOUR AND WE CAN'T SORT OF GET INTO IT  
7 MORE, BUT I THINK WE'RE ALL BEAT REALLY, FRANKLY.

8 BOARD MEMBER CHESBRO: I HOPE ALL THE  
9 BOARD MEMBERS HAVE BEEN BEING BRIEFED. I KNOW  
10 I'VE BEEN ASKING LOTS OF QUESTIONS AND I'M BEING  
11 KEPT UP TO SPEED. AND I THINK THAT'S PROBABLY THE  
12 CRUCIAL THING HERE IS THAT WE HAVE A CHANCE  
13 INDIVIDUALLY TO ASK QUESTIONS WHEN WE ARE UNDER  
14 THIS KIND OF SCHEDULE.

15 CHAIRMAN PENNINGTON: QUESTIONS, MR.  
16 RELIS OR MR. FRAZEE? OKAY.

17 MS. VAN KEKERIX: WE'RE ASKING THAT YOU  
18 HAVE A MOTION ON THE APPROACH THAT WE LAY OUT AND  
19 WHETHER YOU APPROVE STAFF RECOMMENDATIONS.

20 BOARD MEMBER CHESBRO: SO MOVED.

21 CHAIRMAN PENNINGTON: SO MOVED. I  
22 SECOND. WILL THE SECRETARY CALL THE ROLL.

23 BOARD SECRETARY: BOARD MEMBER CHESBRO.

24 BOARD MEMBER CHESBRO: AYE.

25 BOARD SECRETARY: FRAZEE.

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1 BOARD MEMBER FRAZEE: AYE.

2 BOARD SECRETARY: GOTCH.

3 BOARD MEMBER GOTCH: AYE.

4 BOARD SECRETARY: RELIS.

5 BOARD MEMBER RELIS: AYE.

6 BOARD SECRETARY: CHAIRMAN PENNINGTON.

7 CHAIRMAN PENNINGTON: AYE. MOTION

8 CARRIES. THANK YOU.

9 AND ONE LAST THING, LET THE RECORD  
10 SHOW THAT ITEM 38, WHICH WAS THE OPEN DISCUSSION,  
11 WE HAD A REQUEST FROM ERIC SUNSWHEAT, WHO I SEE IS  
12 NOT HERE, SO WE CALLED ON HIM. THANK YOU.

13 WE'RE ADJOURNED.

14

15 (END OF PROCEEDINGS AT 6 P.M.)

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